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CrI.RC.No.2278 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.RC.No.2278 of 2023

R.Selvarayar

... Petitioner

Vs.

1. S.Ananthajothi

2. The Inspector of Police

Virudhachalam

Cuddalore District

(R2 suo motu impleaded as per order

dated 04.01.2024 in CrI.RC.No.227 of 2023)

... Respondents

Prayer: Criminal Revision Case filed under Sections 397 and 401 Cr.P.C. to set aside the order dated 18.10.2023 in C.M.P.No.1816 of 2022 on the file of the Judicial Magistrate No.I, Virudhachalam.

For Petitioner : M/s.S.Sasikala

For 1st Respondent : Mr.Karthik Lakshmanan

For 2nd Respondent : Mrs.G.V.Kasthuri

Additional Public Prosecutor



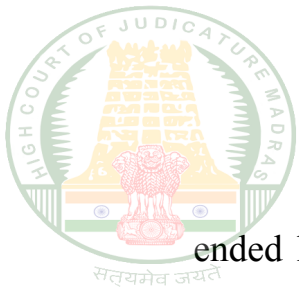
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ORDER

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This Criminal Revision Case has been filed by the petitioner to set aside the order dated 18.10.2023 in C.M.P.No.1816 of 2022 on the file of the Judicial Magistrate No.I, Virudhachalam.

2. The case of the petitioner is that the petitioner had two sons, namely, Ramu and Anandan. His two sons had purchased a vacant land and the same was registered in the name of the petitioner's elder son Ramu on 28.07.2004. The petitioner, for the use of his family members had constructed separate rooms for each of them and they were residing together. Later, the said Ramu had purchased a plot and constructed a house and moved away from the family members. He had also asked for his contribution of Rs.2,50,000/- which was handed over and he informed that he would vacate the room shortly. In the meanwhile, he used his room for office purpose. The petitioner's son Ramu and his wife/the first respondent were not in good terms and finally unable to bear any further harassment and torture, the said Ramu had consumed poison and



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ended his life. This being so, the respondent had broke open the room, took

away the original title deed of the property and also abused the petitioner.

Hence, the petitioner lodged complainants to the jurisdictional police as well as to the higher officials, but no action was taken. Thereafter, he filed a petition under Section 200 Cr.P.C. before the Judicial Magistrate No.I, Virudhachalam in C.M.P.No.1816 of 2022 seeking protection, recovery of documents and for registration of FIR. Since the said petition was not considered, the petitioner was forced to approach this Court by way of filing a petition in CrI.O.P.No.20840 of 2023 and this Court by order dated 12.09.2023, had directed the Magistrate to dispose of the case preferably within a period of four weeks. Subsequently, the Magistrate heard the matter, however dismissed the petition. Aggrieved by the same the present revision is filed.

3. The contention of the petitioner is that though the petitioner had produced 19 documents along with the complaint and was also ready to produce witnesses, the Magistrate had not considered any of the documents



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and not examined the witnesses and simply dismissed the petition on the

ground that the dispute is civil in nature. Therefore, the order passed by the

Magistrate is liable to be set aside.

4. The learned counsel for the first respondent submitted that the petitioner is the father-in-law of the first respondent. The said property stands in the name of the husband of the first respondent. Already there is a civil suit pending for partition and none of the documents produced by the petitioner shows that he is the owner of the property. Since the dispute is civil in nature, the Magistrate rightly dismissed the petition.

5. Heard and perused the materials available on record.

6. Admittedly, the petitioner is the father-in-law of the first respondent. A perusal of the materials shows that the petitioner tried to made some allegations of civil dispute to match up with the criminal colour and filed the complaint before the Magistrate, whereas the material shows that there is a property dispute between the petitioner and his own son's wife/daughter-in-



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law/first respondent herein. Therefore, the Magistrate rightly dismissed the

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complaint on the ground that the dispute is civil in nature.

7. On a reading of the entire materials, this Court does not find any reason to interfere with the findings given by the Magistrate and there is no merit in this revision.

8. Accordingly this Criminal Revision Case is dismissed.

9. However, the petitioner is at liberty to work out his remedy in the manner known to law.

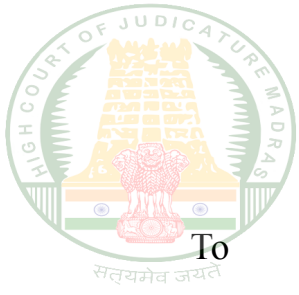
12.03.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. The Judicial Magistrate No.I,
Virudhachalam.
2. The Inspector of Police
Virudhachalam
Cuddalore District
3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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