

Crl.R.C.(MD)No.487 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 24.04.2025

Delivered on : 30.04.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.487 of 2025

S.Ravi @ Ravichandran

: Petitioner

Vs.

1.State rep.by the Inspector of Police,
Alanganallur Police Station,
Madurai District.

2.M.Palanirajan

3.M.G.Rajendran

4.M.G.Mahendran

5.M.G.Deivendran

6.M.G.Kannan

7.M.G.Prabhu

8.R.Ramanan

9.Sangu @ Sangupillai

10.M.Velusamy

11.V.Ramu

: Respondents

1/10



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PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the records pertaining to the order passed in Crl.M.P. No.1818 of 2024, dated 21.11.2024 on the file of the Judicial Magistrate Court, Vadipatti, Madurai District and set aside the same.

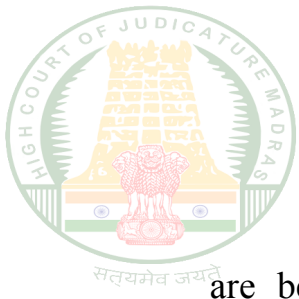
For Petitioner : Mr.A.Vadivel

For Respondents : Mrs.M.Aasha,
Government Advocate (Crl. Side)
for R1.

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.1818 of 2024 on the file of the Court of the Judicial Magistrate, Vadipatti, Madurai District, dismissing the petition filed under Section 156(3) of Cr.P.C.

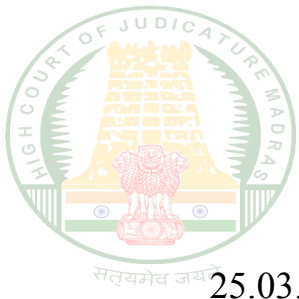
2. The case of the petitioner/defacto complainant is that he is the managing trustee of Mei.Karuppanakonar Dharma Arakattalai; that the trustees having immovable properties in S.Nos.246/11, 322/1, 250/6C and 250/6D of Meiyappanpatti Village received through gifts; that the trust has been cultivating said lands and the income derived from the said properties



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are being used for Annadhanam for general public and for other trust purposes; that though the respondents 2 to 11 have no connection whatever with the trust, they have illegally trespassed into the said property and prevented the petitioner to cultivate and other agricultural activities ; that the petitioner has already given a complaint to the Oomachikulam Police Station and on that basis, FIR came to be registered in Crime No.893 of 2012 and the said case is still pending; that since the respondents 2 to 11 have been continuing their troubles, the petitioner was forced to file a civil suit in O.S.No.202 of 2019 under Section 92 of C.P.C., before the District Court, Madurai and the same is pending; that on 14.03.2024, the respondents 2 to 11 had illegally trespassed into the land in S.No.322/1 and started to harvest the crops, which came to be cultivated by the petitioner for the trust; that when the petitioner after coming to know about the same, went to the spot and questioned their actions, the respondents 2 to 11 had abused the petitioner in filthy language and caused criminal intimidation; that they have taken away harvested crops worth about Rs.3,00,000/- and also stolen the coconuts worth about Rs.50,000/-; that the petitioner came to know that the eighth respondent had constructed a house in the land owned by the trust illegally; that the petitioner gave a complaint before the Alanganallur Police Station on



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25.03.2024 and since there was no action, he sent complaint to the District Superintendent of Police on 01.04.2024 and that since there was no action on their part also, the petitioner was constrained to file the above petition under Section 156(3) of Cr.P.C., for registration of the case and for investigation.

3.The learned Judicial Magistrate, Vadipatti, taking the petition filed under Section 156(3) Cr.P.C., on file in Crl.M.P.No.1818 of 2024, upon perusing the petitioner's affidavit and on hearing the petitioner's side, has passed the impugned order, dated 21.11.2024 by holding that the dispute is of civil in nature, dismissed the petition. Challenging the impugned dismissal order, the present revision came to be filed.

4. Before entering into further discussion, it is necessary to refer the judgment of the Hon'ble Supreme Court in *M/S Indian Oil Corporation vs M/S NEPC India Ltd., and Others, in Crl.A.No.834 of 2002, dated 20.07.2002*, wherein, the Hon'ble Apex Court has *deprecated* the practice of attempting to settle the civil disputes by applying pressure through criminal prosecution and the relevant passage is extracted hereunder:



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“10. While on this issue, it is necessary to take notice of a growing tendency in business circles to convert purely civil disputes into criminal cases. This is obviously on account of a prevalent impression that civil law remedies are time consuming and do not adequately protect the interests of lenders/creditors. Such a tendency is seen in several family disputes also, leading to irretrievable break down of marriages/families. There is also an impression that if a person could somehow be entangled in a criminal prosecution, there is a likelihood of imminent settlement. Any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure through criminal prosecution should be deprecated and discouraged. In G. Sagar Suri vs. State of UP [2000 (2) SCC 636], this Court observed :

"It is to be seen if a matter, which is essentially of civil nature, has been given a cloak of criminal offence. Criminal proceedings are not a short cut of other remedies available in law. Before issuing process a criminal court has to exercise a great deal of caution. For the accused it is a serious matter. This Court has laid certain principles on the basis of which High Court is to exercise its jurisdiction under Section 482 of the



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Code. Jurisdiction under this Section has to be exercised to prevent abuse of the process of any court or otherwise to secure the ends of justice."

While no one with a legitimate cause or grievance should be prevented from seeking remedies available in criminal law, a complainant who initiates or persists with a prosecution, being fully aware that the criminal proceedings are unwarranted and his remedy lies only in civil law, should himself be made accountable, at the end of such misconceived criminal proceedings, in accordance with law. One positive step that can be taken by the courts, to curb unnecessary prosecutions and harassment of innocent parties, is to exercise their power under section 250 Cr.P.C. more frequently, where they discern malice or frivolousness or ulterior motives on the part of the complainant. Be that as it may."

5. In ***Mitesh Kumar J Sha vs The State Of Karnataka (Crl.A.No.1285 of 2021, dated 26.10.2021)***, the Hon'ble Supreme Court has reiterated that cloaking a civil dispute with a criminal nature in order to get quicker relief is an abuse of process of law which must be discouraged. Bearing the above legal position on mind, let us consider the case on hand.



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6. The learned counsel for the petitioner would submit that the petitioner's trust has already filed a suit in O.S.No.202 of 2019 against the respondents 2 to 7 and one Vallimayil, under Section 92 of C.P.C., to declare that the suit properties therein belonging to Mei. Karupanakonar Constructive Trust, created for public purposes of a charitable and religious nature vide instrument of trust registered will, dated 22.04.1922 vide document No.18, trust property vesting in the Mei.Karupana Konar Charitable Trust and mandatory injunction, directing the defendants therein to deliver possession of the suit property to the Mei.Karupana Konar Charitable Trust and appointing the first plaintiff/S.Murugan, eldest male surviving trustee competent to act as the Manager/Officiating trustee of the Mei.Karupana Konar Charitable Trust and also for permanent injunction restraining the defendants from interfering or harassing the execution of trust or disturbing the Mei.Karuppanakonar Charitable Trust, enjoyment except by due process of law.

7.In the plaint, the plaintiffs have specifically stated that when it was felt that the defendants were not taking any interest in achieving the purpose



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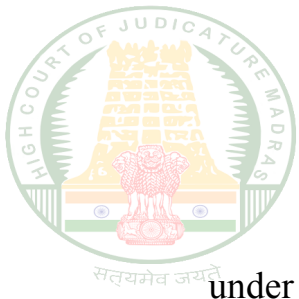
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for which the property was dedicated, the close relatives of the author of the trust desired to initiate civil proceedings against the defendants.

8. As rightly contended by the learned Government Advocate (Criminal Side), a cursory perusal of the plaint would reveal that there were rival claims to the properties in dispute and more importantly, the plaintiffs have claimed mandatory injunction, directing the defendants to deliver the suit property and thereby they had accepted the possession of the suit property with the defendants.

9. Admittedly, the civil suit is pending before the competent Civil Court and it is for the said Court to decide about the title to the properties. Even in the plaint, they have stated that when they have approached the Revenue Divisional Officer, challenging the patta allegedly given, the RDO passed the order, directing the parties to approach the competent Civil Court.

10. Considering the above, as rightly observed by the learned Magistrate, the petitioner has been attempting to give the civil dispute a criminal colour and as such, the impugned order dismissing the petition filed



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under Section 156(3) Cr.P.C., by the learned Magistrate cannot be found fault with. Consequently, this Court concludes that the revision is devoid of merit and the same is liable to be dismissed.

11. In the result, this Criminal Revision Petition is dismissed.

30.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate Court, Vadipatti,
Madurai.
- 2.The Inspector of Police,
Alanganallur Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Pre-delivery order made in
Crl.R.C.(MD)No.487 of 2025

Dated: 30.04.2025