



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1637 of 2021

and

C.M.P.(MD).No.8884 of 2021

S.Maheswaran

...Petitioner

Vs.

M.Jegathambal

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 11.03.2020 made in I.A.No. 844 of 2018 in O.S.No.367 of 2010 on the file of the learned Sub Judge, Srivilliputhur and allow the above Civil Revision Petition.

For Petitioner : Mr.M.Vijayarathinam

For Respondent : Mr.K.Jayakumar

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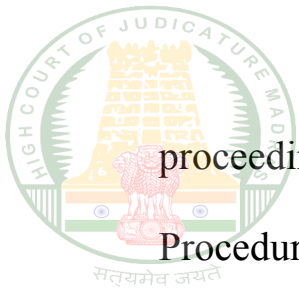
ORDER

This petition has been filed seeking orders to set aside the fair and decreetal order dated 11.03.2020 made in I.A.No.844 of 2018 in O.S.No.367 of 2010 on the file of the learned Sub Judge, Srivilliputhur.



2. The respondent herein filed a suit in O.S. No. 367 of 2010 before the learned Sub Judge, Srivilliputhur, seeking partition. The petitioner is the second defendant in the said suit. During the pendency of the suit, the respondent allegedly filed a false document before the trial Court. Consequently, the petitioner filed an application in I.A. No. 844 of 2018 under Section 151 CPC read with Sections 195 and 340 Cr.P.C., seeking action against the respondent. However, the said application was dismissed by the trial Court on 11.03.2020. Challenging the said order, the present Civil Revision Petition has been filed.

3. The learned counsel appearing for the petitioner would submit that during the pendency of the suit before the trial Court, the respondent, who is the sister of the petitioner, had adduced a false evidence before the trial Court, which amounts to forgery. In such circumstances, it is the duty of the trial Court to initiate appropriate proceedings against the respondent. However, the trial Court declined to do so, and such refusal is unsustainable in law. He would further submit that, during the pendency of the present Civil Revision Petition, the main suit itself came to be disposed of. Aggrieved by the judgment and decree passed in the suit, the petitioner has preferred an appeal before the lower appellate Court. Notwithstanding the same, the Interlocutory Application filed by the petitioner is independently maintainable, and the trial Court is vested with the power to initiate



proceedings under Sections 195 and 340 of the Code of Criminal Procedure. However, no such action has been taken against the respondent.

Accordingly, he prays that this Civil Revision Petition may be allowed.

4. The learned counsel appearing for the respondent would submit that, as against the order passed by the trial Court under Section 351 of Cr.P.C., the proper remedy is to file an appeal before the lower appellate Court, and therefore, the present petition is not maintainable. He would further submit that the suit itself has already been disposed of by the trial Court. Accordingly, he prays to dismiss this petition.

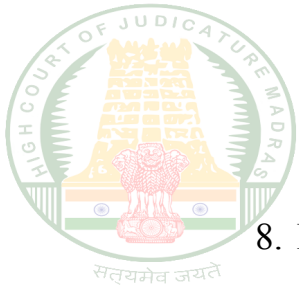
5. The facts in the present case is not in dispute. Admittedly, there was a property dispute between the petitioner and the respondent, for which, the respondent filed a partition suit in O.S.No.367 of 2010 before the learned Sub Judge, Srivilliputhur. During the pendency of the suit, the petitioner claimed that the respondent given a false evidence before the trial Court. Hence, the petitioner filed an interlocutory application before the trial Court seeking to take action against the respondent. This Court has perused the provisions of Sections 195 and 340 of the Code of Criminal Procedure.

6. Section 195 Cr.P.C. pertains to the prosecution for contempt of the lawful authority of public servants, for offences against public justice, and for



offences relating to documents produced or given in evidence. In particular, Section 195(1)(b)(ii) makes it clear that no Court shall take cognizance of any offence described in Section 463, or punishable under Sections 471, 475, or 476 of the Indian Penal Code, when such offence is alleged to have been committed in respect of a document produced or given in evidence in a proceeding in any Court, except on a complaint in writing of that Court, or of such officer of the Court as that Court may authorise in writing in this behalf, or of some other Court to which that Court is subordinate. The petitioner claims that the respondent gave a false evidence before the trial Court and that such conduct amounts to an offence falling under Section 340 Cr.P.C., thereby seeking the Court to initiate action against the respondent based on his application. However, this claim is contrary to the statutory requirement under Section 195 Cr.P.C. Further, under Section 195(1)(b)(ii), even in cases involving criminal conspiracy to commit, or attempt to commit, or abetment of, any of the specified offences, the complaint must be made in writing by the Court concerned or by an officer duly authorised by that Court.

7. In the present case, the petitioner is not the aggrieved party and the trial Court is deemed to be the aggrieved party, if at all. It is only the trial Court that may, upon satisfaction, authorise the filing of a complaint in this regard. Moreover, the suit itself has already been disposed of by the trial Court by granting relief to the parties, and an appeal has been preferred against the said judgment.



8. In view of the above discussion, this Court is of the opinion that the petitioner has no locus standi to seek initiation of proceedings under Sections 195 and 340 Cr.P.C., as he is not the aggrieved party within the meaning of the provisions.

9. In the result, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

16.06.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1. The Sub Judge, Srivilliputhur.

2. The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

TSG

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