



*Crl.M.P.(MD)Nos.16153 of 2023
and 13028 of 2024*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 11.03.2025

Pronounced on : 28.03.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.M.P.(MD)Nos.16153 of 2023 and 13028 of 2024
in
Crl.R.C.(MD)SR.Nos.41951 of 2023 and 38314 of 2024
and
Crl.R.C.(MD)SR.Nos.41951 of 2023 and 38314 of 2024

Crl.M.P.(MD)No.16153 of 2023

P.Paulraj

... Petitioner

Vs.

1.S.Ravi Thiruvambalam

2.Latha Shanmugam

3.Anandha Subramaniyan

4.Vallinayagam

5.Kuththalam

6.Selvamala



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7. The State represented by
The Inspector of Police,
Palam Police Station,
Tirunelveli Junction,
Tirunelveli District.

... Respondents

Prayer in Crl.M.P.(MD)No.16153 of 2023 : The Criminal Miscellaneous Petition filed under Section 5 of Limitation Act, to condone the delay of 1608 days in filing of the criminal revision petition against the order passed by the learned Judicial Magistrate No.4, Tirunelveli in Crl.M.P.No. 1850 of 2017 dated 22.03.2017.

Prayer in Crl.R.C.(MD)No.SR41951 of 2023 : The Criminal Revision Case filed under Sections 397 r/w 401 Cr.P.C., to set aside the order passed by the learned Judicial Magistrate IV, Tirunelveli in Crl.M.P.No. 1850 of 2017 dated 22.03.2017 and consequently direct the respondent police to conduct further investigation under Section 173(8) Cr.P.C. through some other investigation officer and final report.

For Petitioner : Mr.M.Pozhilan

For R1 to R6 : Mr.R.Anand

For R7 : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

Crl.M.P.(MD)No.13028 of 2024

1.S.Ravi Thiruvambalam



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2.Latha Shanmugam

3.Anandha Subramaniyan

4.Vallinayagam

5.Kuththalam

6.Selvamala

... Petitioners

Vs.

1.The State represented by
The Inspector of Police,
City Crime Branch,
Tirunelveli City.
(Crime No.45 of 2018)

2.P.Paul Raj

... Respondents

Prayer in Crl.M.P.(MD)No.13028 of 2024 : The Criminal Miscellaneous Petition filed under Section 5 of Limitation Act, to condone the delay of 169 days in preferring a criminal revision before this Court as against the order passed by the learned Judicial Magistrate No.I, Tirunelveli in Cr.M.P.No.31068 of 2023 dated 26.02.2024 in connection with the case in Crime No.45 of 2018 on the file of the first respondent.

Prayer in Crl.R.C.(MD)No.SR38314 of 2024 : The Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the entire records pertaining to the order passed by the learned Magistrate No.I, Tirunelveli in Cr.M.P.No.31068 of 2023 dated 26.02.2024 in connection



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with the case in Crime No.45 of 2018 pending on the file of the first respondent and set aside the same.

For Petitioners : Mr.R.Anand

For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

For R2 : Mr.M.Pozhilan

COMMON ORDER

The petition in Crl.M.P.(MD)No.16153 of 2023 has been filed seeking orders to condone the delay of 1608 days in filing the criminal revision, challenging the order made in Crl.M.P.No.1850 of 2017 dated 22.03.2017 on the file of the Court of Judicial Magistrate No.4, Tirunelveli.

2. The petition in Crl.M.P.(MD)No.13028 of 2024 has been filed seeking orders to condone the delay of 169 days in preferring the criminal revision, challenging the order made in Crl.M.P.No.31068 of 2023 dated 26.02.2024 on the file of the Court of Judicial Magistrate No.1, Tirunelveli.



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3. For the sake of convenience and brevity, the petitioner in Crl.M.P.(MD)No.16153 of 2023 and the second respondent in Crl.M.P.(MD)No.13028 of 2024 will be referred to as 'petitioner' and the petitioners in Crl.M.P.(MD)No.13028 of 2024 and the respondents 1 to 6 in Crl.M.P.(MD)No.16153 of 2023 will be referred to as 'private respondents'.

4. The petitioner's case as projected by him originally is that the petitioner entered into an unregistered sale agreement on 03.12.2011 with the private respondents in respect of 67 cents of land at Manimoortheeswaram Village for Rs.1,35,00,000/-, that the petitioner paid an advance amount of Rs.50,00,000/- and also spent about Rs.40,00,000/- for levelling the lands, that the private respondents have not chosen to perform their part of their agreement even after the lapse of the period fixed for compliance of sale and that on 09.07.2013, when the petitioner asked the private respondents to fulfill their contract portion, the private respondents attempted to assault the petitioner and threatened him with dire consequences.

5. On the basis of the complaint lodged by the petitioner, FIR came



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to be registered in Crime No.1032 of 2013 on 24.07.2013 on the file of Tirunelveli Junction Police Station for the offences under Sections 420 and 506(2) IPC. After investigation, Junction police filed a final report on 26.07.2013 referring the case as 'Mistake of Fact'. The learned Magistrate has sent a notice to the petitioner calling for his objections to the negative report and in pursuance of the same, the petitioner filed a protest petition seeking further investigation in Crl.M.P.No.1850 of 2017. The learned Magistrate, after enquiry, has passed an order dated 22.03.2017 dismissing the protest petition. The petitioner has filed the above revision challenging the dismissal of the order dated 22.03.2017 along with the above petition to condone the delay of 1608 days in filing the revision.

6. It is not in dispute that the petitioner subsequently lodged a complaint for the same allegations before the Anti-Land Grabbing Cell, Tirunelveli and that after enquiry, the same was ordered to be closed.

7. The petitioner's further case, as projected subsequently, is that a peace talk has been arranged by the well-wishers for finalizing the disputes between the petitioner and the private respondents and in the



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peace talk, the first respondent has agreed for Rs.1,15,00,000/- as final settlement towards sale consideration, that the first respondent has issued a ICICI Bank cheque and also entrusted the original document to the petitioner, that when the petitioner was in house, the private respondents came to his house and while he was taking bath, the first respondent had stealthily removed the original cheque and the sale agreement and that therefore the petitioner was constrained to lodge a complaint.

8. On the basis of the said complaint, FIR came to be registered in Crime No.22 of 2015 on the file of the City Crime Branch, Tirunelveli for the alleged offences under Sections 406, 420, 417 and 120B IPC and that after investigation, final report came to be filed as 'Mistake of Fact'.

9. It is not in dispute that the petitioner subsequently has filed a petition under Section 156(3) Cr.P.C. before the Court of the Judicial Magistrate No.1, Tirunelveli in Crl.M.P.No.6855 of 2018 and in pursuance of the directions of the learned Magistrate dated 25.10.2018, FIR came to be registered in Crime No.45 of 2018 on the file of the City Crime Branch, Tirunelveli for the offences under Sections 406, 380, 417, 420 and 120B



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IPC, that after investigation, the City Crime Branch has filed a final report on 09.11.2021 referring the case as 'Mistake of Fact'. Challenging the negative report, the petitioner has again filed a protest petition seeking further investigation in Crl.M.P.No.31068 of 2023 and the learned Magistrate, after enquiry, has passed an order dated 26.02.2024 allowing the petition and thereby directed for further investigation and that challenging the order for further investigation, the private respondents have filed the above revision along with the above petition to condone the delay of 169 days in preferring the revision.

10. The private respondents and the Inspector of Police, Junction Police Station, Tirunelveli City have filed their counter affidavit in Crl.M.P.(MD) No.16153 of 2023 raising objections to condone the delay. The Assistant Commissioner of Police, City Crime Branch, Tirunelveli City has filed a counter in Crl.M.P.(MD)No.13028 of 2024 raising objections to condone the delay.

11. In the affidavit filed in support of the petition in Crl.M.P. (MD)No.16153 of 2023, the petitioner has stated that the petitioner was



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taking treatment as he was suffering from chronic diabetic and hypertension and he could not follow the dismissal order in Crl.M.P.No.1850 of 2017 dated 22.03.2017, that though revision ought to have been filed on or before 22.06.2017, due to indifferent health condition and inevitable circumstances, he could not go and meet his counsel at Madurai and arrange for filing of the revision, that the delay occurred is neither willful nor wanton and that the petitioner will be exposed to grave prejudice if the delay is not condoned.

12. The petitioner has produced a medical certificate dated 03.05.2017, wherein, it has been stated that the petitioner has been suffering from diabetes mellitus and cellulitis – right leg and is getting regular dressing in the clinic and he has also produced a photograph showing infection portion.

13. As already pointed out, protest petition was dismissed on 22.03.2017, but the present revision along with delay condonation petition came to be filed on 03.11.2023.



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14. As rightly contended by the learned counsel appearing for the private respondents, the petitioner has not provided specific details about medical treatment beyond mentioning diabetes and hypertension. Moreover, there is no claim that the petitioner was bedridden or immobile, preventing him from meeting his counsel in Madurai. The mere presence of these health conditions does not constitute a valid reason or sufficient explanation for the inordinate delay of 1608 days.

15. The learned counsel appearing for the private respondents would submit that the petitioner has initiated a fourth round of litigation based on the same accusations. After his first protest petition was dismissed in connection with Crime No.1032 of 2013, the petitioner approached the Anti-Land Grabbing Cell and, upon failing, fabricated a new case alleging subsequent peace talks and a final settlement. He then lodged a complaint with the City Crime Branch, claiming that a cheque and sale agreement were stolen from his house. When that complaint was closed as a "mistake of fact," the petitioner invoked the Magistrate's jurisdiction under Section 156(3) Cr.P.C., suppressing all earlier proceedings and obtaining orders.



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16. The private respondents' case in the affidavit filed in support of their petition in Crl.M.P.(MD)No.13028 of 2024 is that the petitioner, without disclosing his previous complaints and disposal, has sought for a plea of further investigation in Crl.M.P.No.31068 of 2023 in which the learned Magistrate has mechanically ordered further investigation, that the private respondents were not made as parties to the above said proceedings and as a result of which, they were not aware of the order for further investigation, that they have come to know about the said order only after a call being made from the City Crime Branch, Tirunelveli and hence, there occurred a delay of 169 days in preferring the revision and that the delay is neither wanton nor intentional.

17. Admittedly, the private respondents were not parties to the petition in Crl.M.P.No.31068 of 2023, wherein, the learned Magistrate has ordered for further investigation. More importantly, the petitioner has not disclosed about the earlier registration of FIRs and filing of the negative final reports therein.

18. Considering the above facts and circumstances, this Court has



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no hesitation in holding that the petitioner has abused the process of law.

19. No doubt, it is not mandatory to hear the accused in the plea for further investigation made by the complainant. But in the case on hand, as already pointed out, at the instance of the petitioner, many complaints came to be registered against the private respondents and even after filing of the negative reports four times, the petitioner, by suppressing the above, has filed the second protest petition and obtained orders in his favour.

20. It is pertinent to note that the petitioner cannot be allowed to file complaint after complaint and thereby made the private respondents to suffer again and again. As rightly contended by the learned counsel appearing for the private respondents, in the above background, the private respondents are challenging the order for further investigation.

21. As rightly contended by the learned counsel appearing for the private respondents, the reason assigned for the delay is satisfactory and hence, this Court concludes that the delay of 169 days in preferring the revision is liable to be condoned. But at the same time, in the absence of



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any valid reason or explanation for the inordinate delay of 1608 days and the way in which the petitioner has been misusing the process of law, this Court is not inclined to condone the delay of 1608 days in filing the revision and as such, the said petition is liable to be dismissed.

22. In the result,

(i) The petition in Crl.M.P.(MD)No.16153 of 2023 stands dismissed. Consequently, Crl.R.C.(MD)SR.No.41951 of 2023 stands rejected at the SR stage itself.

(ii) The petition in Crl.M.P.(MD)No.13028 of 2024 stands allowed and the Registry is directed to number the revision on file if it is otherwise in order and list it for admission in the usual course.

28.03.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Judicial Magistrate No.1,
Tirunelveli.

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2. The Judicial Magistrate No.4,
Tirunelveli.
3. The Inspector of Police,
Palam Police Station,
Tirunelveli Junction,
Tirunelveli District.
4. The Inspector of Police,
City Crime Branch,
Tirunelveli City.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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Pre-Delivery Common Order made in
Crl.M.P.(MD)Nos.16153 of 2023 and 13028 of 2024
in
Crl.R.C.(MD)SR.Nos.41951 of 2023 and 38314 of 2024

Dated : 28.03.2025