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Crl.R.C.No.623 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.R.C.NO.623 OF 2023

M/s.Sakthi Property Developers Ind. Pvt. Ltd.,
Represented by its Power of Attorney
R.Elango, Male, Aged about 50 years
S/o. Rajendran
No.7, Raju Street, Virugambakkam,
Chennai – 600 078.

... Petitioner

Vs.

The State
Rep. By its the Inspector of Police
Kundrathur Police Station
Chennai.

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C. to set aside the order passed by the learned Judicial Magistrate, Sriperumbudur, Kanchipuram District passed in CMP No.5023 of 2022 dated 13.12.2022 and direct the respondent police to register a case based on the complaint given by the petitioner and investigate it in accordance with law.

For Petitioner : Mr.T.R.Ravi
for Ms.K.R.Gayathiri

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)



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ORDER

Challenging the order dated 13.12.2022 passed in CMP No.5023 of 2022 by the learned Judicial Magistrate, Sriperumbudur, Kancheepuram District, dismissing the petition filed under Section 156(3) Cr.P.C., the petitioner has filed the present Criminal Revision Case.

2.The learned counsel for the petitioner submitted that the petitioner M/s.Sakthi Property Developers India Pvt. Ltd., purchased the land to an extent of 1 Acre 65 Cents in S.No.928/2, Kundrathur Village, Kundrathur Taluk, Kanchipuram District, by way of a Sale Deed dated 09.05.2022 through Document No.9361/2022, from S.Vasantha, R.Padmavathi, T.S.Ramachandran, T.S.Lakshmanan, S.Saraswathi, T.S.Chandrasekaran and Ms.T.S.Umadevi, who are the original land owners. However, the proposed accused Vetri, Ravi, Rajkumar and others stated that they are the lessee to the property in question and they have filed a Suit in O.S.No.193/2011 before the District Munsif Court, Sriperumbudur, without adding the landlord as defendant and got an order of injunction on

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22.04.2021. Without the knowledge of the petitioner herein, by filing a false Suit, they have got an order in their favour. The petitioner, being a *bonafide* purchaser, filed a complaint before the respondent police and also filed a complaint before the learned Judicial Magistrate, Sriperumbudur. The learned Magistrate dismissed the said complaint on the ground that the issue involved is purely civil in nature.

When the matter is taken up for hearing, the learned Government Advocate (Criminal Side) submitted that the complaint received from the complainant is still pending.

Heard the submissions made on either side and perused the materials available on record.

On perusal of the records and the impugned order, it is noticed that the petitioner / complainant claimed that they have purchased the property to an extent of 1 Acre 65 Cents in S.No.928/2, Kundrathur Village, Kundrathur Taluk, Kanchipuram District, by way of a Sale Deed dated



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09.05.2022 through Document No.9361/2022. When they entered into the property for cleaning, the proposed accused persons prevented and threatened them with dire consequences. Hence, they gave a complaint before the respondent police. Further, in the impugned order, it is recorded by the learned Magistrate that the petitioner has not given any complaint to the higher authorities under Section 154(3) Cr.P.C., for inaction on the part of the respondent police. Further, it is recorded that the proposed accused previously filed a Suit before the District Munsif Court, Sriperumbudur, in O.S.No.193/2011 and got permanent injunction order in favour of them on 22.04.2021. It is to be noticed that the petitioner purchased the land from the original land owners. Under these circumstances, with regard to the disputed land, admittedly there is a decree passed on 22.04.2021 that is prior to the date of purchase by the petitioner herein from the land owners. Therefore, the dispute being civil in nature, has to be decided by the competent Civil Court as to whether the petitioner is the *bonafide* purchaser, without knowing the injunction order passed by the Civil Court in O.S.No.193/2011. The Trial Court has recorded that *prima facie* the allegation in the complaint has not made out any cognizable offence, which has to be registered by way of an



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FIR and to investigate the same.

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This Court has gone through the complaint of the complainant. The petitioner has not made out any cognizable offence for registering an FIR and to investigate. Mere allegation of threat is not enough to register an FIR. A civil dispute cannot be converted into criminal offence. Therefore, the findings of the Trial Court is in order. I do not find any reason to interfere with the order of the Trial Court and there is no merit in the Criminal Revision Case and accordingly, the same is dismissed.

05.04.2023

Index : Yes/No
Internet : Yes/No
Speaking / Non-speaking order
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V.SIVAGNANAM, J.

TK

To

- 1.The Judicial Magistrate
Sriperumbudur, Kanchipuram District.
- 2.The Inspector of Police
Kundrathur Police Station, Chennai.
- 3.The Public Prosecutor
High Court of Madras
Chennai.

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