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Crl.R.C.No.1666 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1666 of 2023

Basheer Ahmad

... Petitioner

Vs.

The Sub-Inspector of Police,
Vandavasi South Police Station,
Thiruvannamalai District.

... Respondent

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to set aside the dismissal order passed by learned Judicial Magistrate, Vandavasi in Crl.M.P.No.2255 of 2023 dated 17.08.2023 and direct the respondent to register the complaint given by the petitioner on 28.04.2022.

For Petitioner

: Mr.H.Yasar Arafath

For Respondent

: Mr.S.Sugendran

Additional Public Prosecutor

ORDER

This petition has been filed seeking to set aside the dismissal order passed by the learned Judicial Magistrate, Vandavasi in Crl.M.P.No.2255 of



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2023 dated 17.08.2023 and direct the respondent to register the complaint
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given by the petitioner on 28.04.2022.

2.The petitioner earlier lodged a complaint to the respondent police as well as Superintendent of Police on 24.05.2022. The complaint is that the petitioner entered into an agreement dated 24.08.2021 with one Shaheen for the property situated at Kadharmeera Maraikkayyar Street, Vandavasi, Thiruvannamalai District for a sale consideration of Rs.34,50,000/-. The petitioner paid Rs.5,00,000/- as advance and thereafter only the sale agreement was entered. Thereafter, the petitioner was ready with the money and whenever the petitioner called for execution of the sale deed, the Shaheen would inform that her husband Ameeth and her brother-in-law Nizam are denying for execution of the sale deed. Thereafter the petitioner came to know that for the same property, Shaheen's husband and her brother-in-law executed another sale deed and also executed documents. The petitioner approached Shaheen, her husband and brother-in-law seeking return of her



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money of Rs.5,00,000/-. At that time the petitioner was threatened, abused even he was physically assaulted. The petitioner later gave a complaint to the respondent police, who assigned CSR No.276 of 2022 and thereafter no action has been taken. Hence, he approached the Lower Court seeking a direction to register the complaint under Section 156(3) Cr.P.C. The Lower Court observed that the petitioner had paid money subsequent to the sale agreement and hence, the dispute is purely civil in nature and dismissed the petition, against which the above revision has been filed.

3.The learned Additional Public Prosecutor submitted that on the complaint of the petitioner, CSR assigned. Thereafter, it was closed as civil in nature on 18.05.2022. The petitioner, before this Court had produced a sale deed executed in favour of one Isaac dated 07.04.2022 in Doc.No1500 of 2022. This document would clearly expose the criminal mind and criminality of Ameeth, his wife Shaheen and brother-in-law in making false representation to the petitioner, cheating the petitioner and also causing



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misappropriation. The property for which agreement had been earlier entered with the petitioner, the petitioner also produced land extract to show that the property stands in his name and also the encumbrance certificate in support of his contention.

4.Considering the submissions made and on perusal of the material it is seen from the complaint preferred in the Lower Court, the petitioner has not filed above said documents. Had the documents filed and considered, the Lower Court might have taken a different view. In view of the above narration, it cannot be straightaway said that this is a case of civil in nature. Accordingly, the order passed by the learned Judicial Magistrate, Vandavasi in Crl.M.P.No.2255 of 2023 dated 17.08.2023 is set aside. Further, liberty is granted to the petitioner to produce the sale deed document executed in favour of Isaac dated 07.04.2022, land extract, Encumbrance Certificate and any other document, which is in favour of him. The petitioner is directed to file an appropriate petition before the Lower Court within a period of 30 days



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from the date of receipt of copy of this order. On receipt of all the necessary documents, the Trial Court shall pass appropriate orders within a period of 30 days thereafter, considering the case afresh, on the materials produced.

5. With the above directions, the Criminal Revision Case is allowed.

29.11.2023

Index : Yes/No

Internet : Yes/No

Speaking order / Non-speaking order
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To

1. The Sub-Inspector of Police,
Vandavasi South Police Station,
Thiruvannamalai District.

2. The Judicial Magistrate,
Vandavasi.

3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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