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Crl.RC.No.607 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.RC.No.607 of 2024

B.Murugeswaran

...Petitioner

Vs.

The Inspector of Police,
Anti Land Grabbing Cell
Central Crime Branch
Veppery, Chennai-07.

...Respondent

Criminal Revision case filed under Section 397 of Cr.P.C. to set aside the order passed by the learned Metropolitan Magistrate, Egmore for CCB and CBCID in Crl.M.P.No.19403 of 2023 dated 17.07.2023.

For Petitioner : Mr.Avinashwadhani

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

This Criminal Revision case has been filed seeking quashment of the order passed in Crl.MP.No. 19403 of 2023 dated 17.07.2023 on the file of the Metropolitan Magistrate, Egmore for CCB and CBCID.



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2. The case of the prosecution is that the property situated in Survey No.1471/15B3 measuring to an extent of 2.38 acres originally belongs to the undivided interest of late Mr.Chimanlal and Dharamchand. In the year 1982, Chimanlal and Dharamchand had filed a suit in O.S.No.374 of 1982 seeking for a partition amongst themselves. The aforesaid suit was decreed and the property was divided into two equal halves. Thereafter, the property was in their respective ownership and possession. Mr. Chimanlal passed away in the year 1994 and his share of the property was inherited by his wife Indumathi and they have no issues. She had also obtained a succession certificate from the Additional Court, Rajkot. The property had remained in ownership and possession of Mrs. Indumathi.

(ii). The third parties who are no way connected to the property namely Thoppulan Nayakar, Chellambal, Rajaganni and Ganesan with an intent to create an encumbrance over the property, had fabricated an entry in their name in the town survey land register. Based on the false and fabricated TSLR, they are claiming to be the owners of the property in Survey No. 1471/15B3, Thiruvallur with an intention to grab the lands.



They have no valid title document in their name affirming their right. The aforesaid persons have also intended to sell the land and approached Kalleswaran to purchase the property based on the strength of the false SLR copy that they have fabricated. They had also even entered into an agreement and cheated Kalleswaran. At this juncture, the original owner Indumathi came to the property and exhibited that all documents pertaining to the property. After perusal, Kalleswaran, his wife Rajeswari and his brother Pazhaniswamy entered into a registered sale agreement with Indumathi. Thereafter, Kalleswaran was unable to purchase the lands from Indumathi and approached the petitioner for purchasing the property along with his consent. The petitioner had purchased the property from the Indumathi in the year 2006 vide Doc., No.9389 of 2006 registered on the file of Sub-Registrar, Sembiam, and petitioner taken possession of the property.

(iii). While so, Ganesan and Rajakanni colluded with Ezhumalai and Moorthi entered and had into unregistered sale agreement trying to alienate the property. With no other alternative, the Petitioner had set the criminal law in motion by filing a complaint against Thopullan Nayakar



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Rajaganni, Ganesan, Ezhumalai and Moorthy indicating the actual factual matrix. Pursuant to the same, charge sheet was registered on the file of Metropolitan Magistrate, Egmore in CC. 2361 of 2009 and the same is still pending. However, the respondent police has not taken any steps and therefore, the petitioner has filed a petition before the learned Metropolitan Magistrate, Egmore for CCB and CBCID to register a case against the persons who are dealing with the fabricated document and investigate the matter and the same was dismissed. Challenging the said order, the present revision has been filed.

3. The learned counsel for the petitioner submitted that without interfering with the impugned order, this Court may grant liberty to the petitioner to file a suit or file a petition under Section 200 Cr.P.C. before the appropriate civil forum.

4. The learned Government Advocate appearing for the State submitted that the issue between the petitioner and the accused person is purely civil in nature and an attempt has been made to give it a criminal colour. Hence, the learned counsel prays to dismiss the present petition.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent and perused the materials available on record.

6. The grounds raised by the counsel for the petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same at this stage. This Court is of the view that the entire dispute is purely civil in nature and an attempt has been made to give it a criminal colour and the petitioner is directed to approach the Civil forum in order to redress their grievance and there is no useful purpose will be served in keeping the petitions pending and the respondent police have no role to play in a case of this nature.

7. Considering the facts and circumstances of the case and in view of the limited request made by the learned counsel for the petitioner, this Court without going into the merits of the case, permit the petitioner to file a petition under Section 200 Cr.P.C. Or section 223 of BNSS Act before the appropriate forum.



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8. With the above directions, the Criminal Revision Case is dismissed.

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To

1.The Inspector of Police,
Anti Land Grabbing Cell
Central Crime Branch
Veppery, Chennai-07.

2. The Metropolitan Magistrate, Egmore

3. The Public Prosecutor,
Madras High Court.



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