



Crl.R.C.No.709 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.04.2024

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

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R.Vijayalakshmi

...Petitioner

Vs.

1.State Rep by the Inspector of Police,
Central Crime Branch Police Station,
Land Dispute Wing (Team-1),
Avadi Commissioner Officer,
Avadi, Chennai District

2.Vijayakumar

3.Velayudham

4.Murugan

5.Udhayakumar

...Respondents

Petition filed under Section 397 r/w 401 of Code of Criminal Procedure to call for the entire records pertaining the order dated 05.03.2024 passed by the Hon'ble Judicial Magistrate, Poonamalle in Crl.M.P.No.7824 of 2023 and set aside the same. Consequently, direct the 1st respondent



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Police to Register FIR in petitioner's complaint in C.No.2583 of 2023 dated 09.10.2023.

For Petitioner : M/s.M.Ponmudi

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

This Criminal Original Case has been filed seeking to set aside the order dated 05.03.2024 passed by the Judicial Magistrate, Poonamallee in Crl.M.P.No.7824 of 2023 and also to direct the first respondent police to register FIR on the basis of the petitioner's complaint in C.No.2583/2023 dated 09.10.2023.

2. It is the case of the petitioner that at the instigation of one Kanniappan, the petitioner's father had purchased the land to an extent of 2860 Sq.ft situated at Bhavani Nagar Layout, Ayyapakkam for a sum of Rs.1075/- by executing a sale deed in Document No.1105 of 1974. Subsequently, in the year 1983, the 3rd accused namely Velayudham along with one Alagiri had deliberately executed 2 agreements as advance sale



consideration by illegally impersonating said Kanniappan and registered the same in Doc.No.3097 of 1983 in respect of the property purchased by the petitioner's father for which, the petitioner's father made a complaint before the Law enforcing Agency on the file of Ambattur Police Station, despite which, he also gave a sum of Rs.12,500/- to the 3rd Accused Velayudham. Despite the same, the respondents 2 to 5 having colluded with each other, executed a forged settlement deed in favour of the 5th respondent based on which, the 5th respondent obtained the entire extent of the aforesaid land. Aggrieved by which, the petitioner lodged a complaint before the Respondent Police on 09.10.2023 in C.No.2583 of 2023 however, no action was taken by the respondent police. Therefore, the petitioner made a complaint under section 156(3) of Cr.P.C before the trial court in Crl.M.P.No.7824/2023 however, the same was rejected by the trial court by misconceiving that the complaint has already been registered as FIR. Aggrieved by which, the petitioner has come up with the present Criminal Revision Case.

3. Learned counsel for the petitioner would submit that the trial Court



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having misconceived the complaint u/s 156(3) by holding that the Law Enforcing Agency has already registered FIR and had rejected the petitioner's complaint which is not sustainable. Accordingly, he prays for allowing the petition.

4. Learned Additional Public Prosecutor appearing for the 1st respondent would submit that pursuant to the complaint made by petitioner on 09.10.2023 before the Law Enforcing Agency, a complaint receipt was issued to the petitioner however, the trial court had wrongly misconceived the receipt as FIR and rejected the petitioner's complaint. He further submitted that it is purely a civil dispute between the petitioner and the private respondents and the Law Enforcing Agency is incompetent to decide the issue. Accordingly, he prays for dismissal of this Petition.

5. Since, no adverse order is being passed against the respondents 2 to 5/private respondents, notice to the private respondents is dispensed with.

6. The complaint filed u/s 156(3) of Cr.P.C has been dismissed by



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the Court below misconceiving the same as complaint whereas it is only a number allotted for the complaint given by the petitioner.

7. Be that as it may. Though the facts of the case are such noted above. In view of the submissions made by the learned counsel for the petitioner and learned Additional Public Prosecutor, this Court without expressing any opinion on the merits of the case and without interfering with the impugned order passed by the trial court, grants liberty to the petitioner workout the remedy before the competent civil court.

8. Accordingly, this Criminal Revision Case stands dismissed.

18.04.2024

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

M.DHANDAPANI, J.

