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Crl.R.C.No.1321 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

Crl.R.C.No.1321 of 2024

K.Hemanth Kumar

... Petitioner

Vs.

1.K.Palanivel

2.S.Pradeep

3.K.Revathi,

The Sub Registrar,
Sub Registrar Office,
Tambaram.

4.State Rep by

Inspector of Police,
CCB, Land Grabbing Wing,
Tambaram Commissionerate,
Tambaram.

5.The Commissioner of Police,

Tambaram.

... Respondents



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PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C. praying to call for the records pertaining to the proceedings in Crl.M.P.No.330 of 2024 on the file of Judicial Magistrate No.I at Tambaram and set aside the order dated 02.04.2024 by allowing this revision petition and subsequently direct the 4th and 5th respondents to register a case against the respondents 1 to 3.

For Petitioner : Mr.S.Thiru Saravanan

For Respondents-4 & 5 : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed challenging the order passed in Crl.M.P.No.330 of 2024 on the file of Judicial Magistrate No.I at Tambaram dated 02.04.2024 and for a consequential direction to the 4th and 5th respondents to register a case against the respondents 1 to 3.

2.The complaint of the petitioner is that his father Kumaravel and first respondent Palanivel are brothers. His grandfather Kandasamy is the owner of land and building at Door No.83/52, 3rd Cross Street, Ranganathapuram, West Tambaram, Chennai – 45 in Survey No.307/1 & 2



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Part, R.Dis.No.522/64. The first respondent in order to grab and swallow the entire property, which the petitioner entitled, got registered a document including the petitioner's share in the property. The Sub Registrar/third respondent not verified the documents properly and registered a deed in Doc.No.971 of 2023 without verifying the settlement deed in Doc.No.1735 of 2016 and Rectification deed in Doc.No.5914 of 2017. Hence, the respondents have committed the offence. The petitioner's complaint was not considered and thereafter he filed a petition under Section 156(3) Cr.P.C. seeking direction to register the petitioner's complaint and the same was dismissed for the reason that the issue revolves around land disputes and boundaries and with regard to the extent of land belonging to the petitioner and first respondent, who is none other than the petitioner's father's brother, hence, finding that it is purely a civil dispute, dismissed the petition.

3.Considering the submission made by the learned counsel for petitioner and on perusal of the material it is seen that it is the dispute



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between the family members with regard to sharing of the property and with regard to registration of document with excess land without any entitlement.

4.In view of the same, this Court finds the reason given by the Lower Court is proper, hence, this Court is not inclined to entertain this petition.

5.Accordingly, the Criminal Revision Case is dismissed. It is made clear that the petitioner can very well approach the Court below under Section 200 of Cr.P.C.

13.08.2024

Index: Yes/No

Internet: Yes/No

Speaking order/Non-speaking order

Neutral citation: Yes/No

rsi



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To

- 1.The Inspector of Police,
CCB, Land Grabbing Wing,
Tambaram Commissionerate,
Tambaram.
- 2.The Commissioner of Police,
Tambaram.
- 3.The Judicial Magistrate No.I,
Tambaram.
- 4.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

rsi

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