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Crl.RC.No.1247 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM:

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

Crl.RC.No.1247 of 2024

Meheroonissa @ Mehroon

...Petitioner

Vs.

The Inspector of Police,
District Crime Branch-II,
Chengalpattu.

...Respondent

Petition filed under Section 397 r/w 401 of Cr.P.C. / 438 r/w. 442 of BNSS to call for the records and set aside the order dated 25.03.2024 passed in Crl.MP.No.1114 of 2024 on the file of the Judicial Magistrate No.II, Chengalpattu.

For Petitioner : Mr.Y.Mohamed Ghouse

For Respondent : Mr.A.Gopinath, GA(Crl. Side)

ORDER

This Criminal Revision case has been filed seeking quashment of the order dated 25.03.2024 passed in Crl.MP.No.1114 of 2024 on the file of the Judicial Magistrate No.II, Chengalpattu.



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2. The case of the petitioner is that, the subject properties situated at No.31/40, Dr.Varadarajan Street, Vedhachalam Nagar, Chengalpattu, measuring an extent of 14 cents and the property situated at No.12, Makkan Lane, Chengalpattu, measuring an extent of 2640 sq.ft., originally belonged to one Kamalatchi Ammal, who adopted the petitioner and bequeathed the above said properties to the petitioner through her WILL dated 07.07.1993. After the demise of the said Kamalatchi Ammal, the petitioner inherited the above said properties and is in continuous possession and enjoyment of the same. After marriage, as the petitioner was settled in Hyderabad, she permitted her brother's wife namely Padmaragamani to stay in the above said property along with her sister's daughter one Vasanthambigai. However, taking advantage of the absence of the petitioner, the said Vasanthambigai and her husband had fraudulently created a forged WILL dated 23.06.2004 vide No.28 of 2004, alleged to have been executed by the wife of the petitioner's brother in respect of the subject properties and based on which, two mortgage deeds were also subsequently came to be executed in favour of third persons in respect of the subject properties. Thereby, on 10.08.2023, the petitioner made a complaint against the accused persons before the Law



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enforcing agency for the offence u/s. 406, 420, 468 and 471 of IPC, however, the same evoked no response. Hence, the petitioner filed a petition u/s. 156(3) of Cr.P.C seeking to register the complaint dated 10.08.2023 and to consequently initiate suitable action against the accused persons. However, the trial court, without considering any of the above said facts, had mechanically dismissed the said petition, vide impugned order dated 25.03.2024. Challenging the same, the petitioner has come up with this Criminal revision.

3. Heard learned counsel on either side and perused the material documents placed on record.

4. Though very many grounds have been raised by the learned counsel for the petitioner as against the impugned order, however, as the issue involved in the present revision is purely civil in nature, the proper remedy available to the petitioner to ventilate her grievances is only before the competent civil court and not before this Court by filing the present revision. Hence, this Court is not inclined to issue any affirmative direction in favour



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of the petitioner and the prayer sought for by the petitioner cannot be
acceded to.

5. In such view of the matter, this Court while dismissing this Criminal Revision, without interfering with the order impugned, grants liberty to the petitioner to approach the competent civil court to workout her remedy in the manner known to law.

6. Accordingly, this Criminal Revision case stands dismissed with the aforesaid liberty.

01.08.2024

skt

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



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To

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1. The Inspector of Police,
District Crime Branch-II,
Chengalpattu.
2. The Judicial Magistrate No.II,
Chengalpattu.
3. The Public Prosecutor,
High Court of Madras.



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M.DHANDAPANI, J.

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