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Crl.RC.No.2102 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2024

CORAM:

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

Crl.RC.No.2102 of 2023

T.N.Venkataraman

...Petitioner

Vs.

State of Tamil Nadu,
Rep. by the Inspector of Police,
Central Crime Branch, CCB Wing Team-XXII,
Vepery, Chennai.
(Crime No.19 of 2022).

...Respondent

Criminal Revision case filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 28.04.2023 in Crl.MP.No.816 of 2023 in RCS.No.1 of 2023 on the file of the learned Special Metropolitan Magistrate Court of Land Grabbing Grade-II, Allikulam, Chennai and consequently direct the respondent to restore the FIR in Crime No.19 of 2022 on the file of the Inspector of Police, Central Crime Branch, CCB Wing Team-XXII, Vepery, Chennai and re-investigate the case.

For Petitioner : Mr.Manuraj

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



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ORDER

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This Criminal revision case has been filed seeking quashment of the order dated 28.04.2023 made in Crl.MP.No.816 of 2023 in RCS.No.1 of 2023 on the file of the Special Metropolitan Magistrate Court of Land Grabbing Grade-II, Allikulam, Chennai and to consequently direct the respondent to restore the FIR in Crime No.19 of 2022 and re-investigate the case.

2. The case of the petitioner is that, the petitioner filed a complaint before the Commissioner of Police, Veppery, Chennai stating that he purchased Plot No.17 in T.S.No.17, Block No.26, formerly R.S.Nos.108/1A and 107/1 in Usur Village, Saidapet Taluk measuring an extent of 1.74 ground on 28.08.1975, vide registered document bearing No.2166 of 1975 and thereafter, he entered into a construction agreement with one Lingam in the year 1976-1977 and the said Lingam constructed and handed over the building to the petitioner/complainant. Thereafter, the petitioner went to foreign and in the year 2014, when the petitioner returned to India, he came to know that, the 30 feet road in the northern side of the petitioner's property



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was encroached by the said Lingam and his family members and there arose some property dispute in between the petitioner and the said Lingam and his family members, which resulted in filing of suit in O.S.No.6676 of 2014 against the petitioner and his children by the said Lingam and his family members, in which, they filed a bogus document bearing No.1223 of 1980 dated 24.04.1980, as if they purchased 30 feet road from the Liquidator and also produced a document bearing No.1804 of 1984 dated 22.06.1984 as if the petitioner sold a part of his property in the above said Survey number in favour of them. After trial, the said suit came to be dismissed with a liberty to the petitioner to initiate a separate proceeding in respect of the fabrication of documents and thereby, the petitioner filed a complaint before the law enforcing agency. After receipt of the complaint, the FIR was registered in Crime No.19 of 2022 and after investigation, the Inspector of police filed a negative final report referring the complaint as 'Mistake of fact'. Thereafter, the petitioner filed a protest petition in Crl.MP.No.816 of 2023. However, the trial court, without considering any of the above said facts had dismissed the protest petition filed by the petitioner, vide impugned order dated 28.04.2023. Challenging the same, the petitioner has filed this revision.



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

4. Though very many grounds have been raised by the learned counsel for the petitioner against the order impugned, when this Court expressed its opinion that, the issue involved in the present case is civil in nature, the learned counsel for the petitioner restricted his prayer and sought permission of this Court to file a complaint under Section 200 Cr.P.C., or under Section 223 of Bharatiya Nagarik Suraksha Sanhita, 2023, whichever is permissible or to file appropriate suit before the competent civil court. Learned Government Advocate (Crl. Side) appearing for the respondent has no objection for grant of such liberty. Learned counsel for the petitioner further prayed that the period during which the matter was agitated before the wrong forum may be excluded for the purpose of computation of limitation.

5. In view of the aforesaid stand taken by the learned counsel on both sides, this Court, without expressing any opinion on the merits of the case



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and without interfering with the order under challenge, grants liberty to the petitioner to workout his remedy in the manner known to law either by way of filing appropriate complaint under Section 200 Cr.P.C., or under Section 223 of Bharatiya Nagarik Suraksha Sanhita, 2023 or by way of filing appropriate suit before the competent forum. If such complaint or suit is filed, the competent jurisdictional court shall consider the same and pass orders, after affording sufficient opportunity to the parties. Further, the period of pendency of the petition filed by the petitioner under Section 156(3) of Cr.P.C. before the wrong forum shall stand excluded for the purpose of computation of limitation, if any.

6. Accordingly, this Criminal Revision case stands dismissed.

22.07.2024

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

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M.DHANDAPANI, J.

skt

To

- 1.The Special Metropolitan Magistrate Court of Land Grabbing Grade-II,
Allikulam, Chennai.
2. The Inspector of Police,
Central Crime Branch, CCB Wing Team-XXII,
Vepery, Chennai.
3. The Public Prosecutor,
High Court of Madras.

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