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CrI.RC.No.174 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated : 24.07.2024**

**CORAM:**

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

**CrI.RC.No.174 of 2024  
and  
CrI.M.P.No.3431 of 2024**

S.Gopalram

... Petitioner

Vs.

1. S.Marimuthu  
2. S.Arul  
3. S.Sundar

... Respondents

**PRAYER:** Criminal Revision case filed under Section 397 & 401 of Cr.P.C. to set aside the order dated 11.09.2023 made in CrI.M.P.No.1139 of 2023 on the file of the Judicial Magistrate No.I, Tambaram and allow the revision directing the respondent to register the petitioner's complaint dated 15.03.2023 acknowledged vide C.S.R.No.348 of 2023 by the Inspector of Police, Selaiyur Police Station with a direction for registering an FIR as against the respondents herein.

For Petitioner : Mr.R.Ganesh Kumar

For Respondents : Mr.S.Saravana Kumar



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## ORDER

**WEB COPY** The Criminal Revision Case is filed against the impugned order dated 11.09.2023 passed in Crl.M.P.No.1139 of 2023 by the learned Judicial Magistrate No.I, Tambaram with a direction to register the petitioner's complaint dated 15.03.2023 acknowledged vide C.S.R.No.348 of 2023 by the Inspector of Police, Selaiyur Police Station as against the respondents herein.

2. The case of the petitioner is that the petitioner is the son of Sriram who is the defacto complainant in Crime No.194 of 2018 and that his father passed away on 05.07.2020. The petitioner's father gave an original complaint against the accused persons in the year 2018 and that property in S.No.4/1A belonged to Mahila Ammal and she executed a sale deed to one named Vijayalakshmi and Vijayalakshmi formed plots and sold it to employees of AIR INDIA COMPANY through sale deeds and the petitioner's father was one of the purchasers. Based on the said sale deed, patta was obtained by the petitioner's father in the year 2015. The respondents are the sons of the deceased Subbiah claimed the title in the



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property of the petitioner's father and it was found Mr.Lopes claiming to be power of attorney holder of Mahila Ammal dated 22.02.1993 sold property to Subbiah. Subbiah created further encumbrance and created settlement deeds in favour of his sons. Mahila Ammal did not have the power to execute power of attorney to Lopes when she sold it to Vijayalakshmi. Hence, the petitioner's father has lodged a complaint before the Central Crime Branch in Crime No.194 of 2018 under Sections 419, 465, 467 and 468 r/w 120B of IPC on 07.11.2018. After investigation, the Police filed a negative final report and closed the complaint as undetectable. Thereafter, the petitioner filed a protest petition in Crl.M.P.No.1355 of 2023 on the file of the Judicial Magistrate No.I, Tambaram. In the meantime, taking advantage of the closure report, the respondents herein trespassed into the petitioner's property and damaged the fence and removed the hut house and when the same was questioned by the petitioner, the respondents threatened the petitioner with dire consequences. Thereby, the petitioner filed a complaint before the Law Enforcing Agency and the same was assigned as C.S.R.No.348 of 2023. However, the Law Enforcing Agency failed to take any action on the complaint given by the petitioner and hence, the petitioner



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filed a petition under Section 156(3) of Cr.P.C in Crl.M.P.No.1139 of 2023 and the same was dismissed by the learned Judicial Magistrate No.I, Tambaram, vide order dated 11.09.2023. Challenging the same, the petitioner has preferred the above revision.

3. The learned counsel appearing for the petitioner submits that without going into the merits of the case, this Court may grant liberty to the petitioner to canvass all those points regarding alteration of charges in the protest petition which was allowed by the trial Court on 22.01.2024 in Crl.M.P.No.1355 of 2023.

4. The learned counsel appearing for the respondents has submitted that the dispute between the petitioner and the respondents is civil in nature and it does not come within the purview of criminal case and the trial Court has rightly dismissed the petition filed by the petitioner which is perfectly in order and the petitioner has to necessarily ventilate the issue by way of filing appropriate suit before the competent forum.



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5. In view of the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the case and without interfering with the order impugned, grants liberty to the petitioner to canvass all those points during the trial.

6. Accordingly, this Criminal Revision Case is dismissed.  
Consequently, connected miscellaneous petition is closed.

**24.07.2024**

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

vji

To

1. The Judicial Magistrate No.I,  
Tambaram.
2. The Public Prosecutor,  
Madras High Court.



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**M.DHANDAPANI, J.**

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