



Crl.R.C.No.2250 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.2250 of 2023

Balamanian

... Petitioner

Vs.

The Inspector of Police,
Central Crime Branch Team-33,
Forgery Wing,
Vepery,
Chennai – 600 007.

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to set aside the order of the Lower Court in Crl.M.P.SR.No.20441 of 2023 dated 13.12.2023 on the file of XI Metropolitan Magistrate, Saidapet by allowing the petition and direct the respondent to seize the petitioner property.

For Petitioner : Mr.K.M.Balaji

ORDER



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WEB COPY This petition is filed seeking to set aside the order passed by the learned XI Metropolitan Magistrate, Saidapet in Crl.M.P.SR.No.20441 of 2023 dated 13.12.2023

2.The petitioner/defacto complainant lodged a complaint to the respondent police and a case in Crime No.269 of 2022 was registered.

3.The contention of the petitioner is that one Gagan Bothra, his brother and others have connived, conspired and joined together and created a forged agreement for sale as through the petitioner had executed the same. According to the petitioner, Gagan Bothra's father Mukund Chandbothra was the original tenant and after his death in the year 2019, the said forgery was committed. Earlier there was rent control proceedings for eviction which is pending before the Small Causes Court. Thereafter, he filed a petition under Section 452(2) of Cr.P.C. seeking seizure of house property with dwelling house. According to the petitioner, the said Gagan Bothra is not residing there and he has got separate residence at Sowcarpet.



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4. These are the points to be put forth and agitated before the Rent Control Court and not in a criminal proceedings. The Trial Court had given a detailed order narrating the sequence of events from the tenancy period of accused's father, subsequent development and registration of the case. Admittedly the case is at the investigation stage and further in penultimate paragraph No.9 it had formulated five questions and answered which according to this Court has been rightly answered.

5. In view of the same, this Court is not inclined to interfere with the order passed by the Lower Court. Accordingly, the Criminal Revision Petition stands dismissed.

03.01.2024

cse
Speaking Order/Non Speaking Order
Index : Yes/No
Neutral Citation: Yes/No



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M.NIRMAL KUMAR, J.

cse

To

- 1.The Inspector of Police,
Central Crime Branch Team-33,
Forgery Wing,
Vepery, Chennai – 600 007.
- 2.The XI Metropolitan Magistrate,
Saidapet.

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