



Crl.R.C.No.86 of 2025 and
Crl.M.P.No.747 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.86 of 2025 and
Crl.M.P.No.747 of 2025

S.Pawan Kumar

...Petitioner

Vs.

1. State Rep. by
The Inspector of Police,
Central Crime Branch,
Avadi, Chennai.

2. N.Dayalan
3. D.Sudershan
4. M.Ramesh

...Respondents

The Criminal Revision filed under Section 439 of BNSS to call for the records in Crime No.133 of 2024 by the learned Judicial Magistrate No.1, Poonamallee dated 06.01.2025 and set aside the same and accept the remand report and deal with the accused in accordance with law.



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For Petitioner : Mr.R.Sankarasubbu

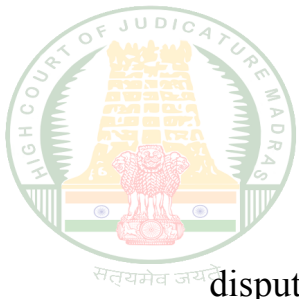
For Respondents : Mr.S.Sugendran,
Additional Public Prosecutor for R1
Mr.K.P.Jotheeswaran for R2
Mr.R.Nandhakumar for R3
No Appearance for R4

ORDER

The Criminal Revision Case is preferred by the defacto complainant seeking to set aside the order of the learned Judicial Magistrate No.1, Poonamallee, dated 06.01.2025 and accept the remand report of the accused persons and deal with the accused in accordance with law.

2 According to learned counsel for the petitioner, the respondents 2 to 4 forged the documents related to the property in dispute and hence the first respondent police remanded them and produced before the Magistrate. The learned Magistrate without considering the serious nature of offence, refused to remand the accused. The learned Magistrate has not applied his mind and simply rejected the remand report stating that the dispute is civil in nature and the Magistrate has no authority to give a finding regarding the

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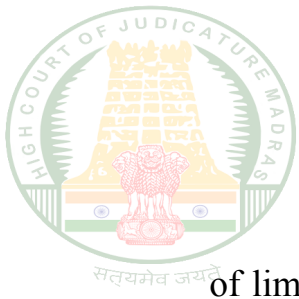
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dispute at the stage of remand. Further in the present case custodial interrogation is necessary and the learned Magistrate erroneously refused to remand the accused, which caused much prejudice to the petitioner/defacto complainant and hence the order of the learned Magistrate needs interference of this Court.

3 The learned counsel for the private respondents would submit that the petitioner has suppressed the civil dispute pending between the petitioner and the private respondents before the Civil Court and hence the learned Magistrate rightly applied his mind and refused to remand the private respondents. Further in this case, co-accused have got anticipatory bail from this Court.

4 Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

5 Admittedly there was civil dispute pending before the Civil Court and even though the same was subsequently dismissed on the ground



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of limitation, on the date of registering of FIR and on the date of passing of the order of refusal of remand report by the Magistrate, the civil suit was pending. Therefore the Magistrate rightly observed that the dispute is civil in nature, for which case also pending before the Civil Court and hence remand is not necessary. Further, the Magistrate while rejecting the remand report has given reason for not remanding the accused and also imposed a condition to execute bond. Therefore this Court does not find any perversity in the order of the learned Magistrate.

6 Accordingly, this criminal revision case is dismissed.
Consequently connected miscellaneous petitions is closed.

13.02.2025

Index : Yes/No
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To

1. The Judicial Magistrate No.1, Poonamallee.
2. The Inspector of Police, Central Crime Branch, Avadi, Chennai.

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P.VELMURUGAN, J.,

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