



WEB COPY

Crl.RC.No.322 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2025

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.No.322 of 2025

S.Dava Yoga Rajan

... Petitioner

Vs.

R.Adhilingam

... Respondent

PRAYER: Criminal Revision Petition filed under Section 438 R/w.442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying to set aside the order passed in Crl.M.P.No.1684 of 2024 dated 13.12.2024 by the learned Judicial Magistrate, Tambaram, thereby dismissing the private complaint filed by the petitioner under section 223 of the BNSS Act and consequently direct the trial Court to proceed denovo proceedings and summon the respondent.

For Petitioner : Mr.K.Kumaraguru

For Respondent :Mr.K.D.Arun Kumar

ORDER



WEB COPY This Criminal Revision Petition has been filed challenging the order dated 13.2.2024 passed in Crl.M.P.No.1684 of 2024 on the file of the Judicial Magistrate, Tambaram, thereby dismissing the petition filed under section 223 of BNSS Act.

2.Heard the learned counsel for both sides and perused the materials available on record.

3. The petitioner lodged a complaint with the allegation that his mother purchased property measuring an extent of 175 sq.ft in Survey No.484 of 2020 situated at Perungalathur Village, vide document No.8432/2015 by the registered sale deed dated 28.10.2015 for valid sale consideration of Rs.12 lakhs. His mother transferred the same to the petitioner's name. He applied for patta and thereafter came to understand that the accused did not even have 367 sq.ft and in order to sell the same, he manipulated the documents by correcting the square meters from 17 to 36. Further when the petitioner applied for patta, he came to understand that the respondent owned only 204 sq.ft. Therefore, he filed a suit in



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O.S.No.90 of 2020. Further alleging that the respondent intentionally manipulated the documents and attempted to sell the remaining extent of 76 sq.ft, out of which 52 sq.ft belongs to the petitioner. When the petitioner filed a suit, the respondent threatened the petitioner with dire consequences. Therefore, complaint was lodged before the commissioner of police and thereafter forwarded to the jurisdictional police. However, there was no action on the complaint and as such the petitioner was constrained to approach the learned Magistrate Court under section 223 of BNSS Act. However, the learned Magistrate without considering the facts and circumstances dismissed the petition.

4. The allegations made in the complaint have prima facie case to register an FIR. In view of the above discussions, this Court is of the considered opinion that the impugned order in this revision cannot be sustained and is liable to be set aside.

5. Accordingly, the order dated 13.12.2024 passed in Crl.M.P.No.1684 of 2024 by the Judicial Magistrate, Tambaram, is hereby set aside. The Inspector of Police 7-6, Peerkankaranai Police station, Chengalpet District, is directed to register the FIR forthwith as



against the accused and proceed with the investigation in accordance
with law.

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6. In the result, this Criminal Revision Case stands allowed.

12.08.2025

mpa

To

1.The Judicial Magistrate, Tambaram.



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