



WEB COPY

CRL RC No. 1811 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 1811 of 2024

1. Thangaraj
S/o.Pazhaniappachettiyar, D.No.3/18,
Mariammankovil Street, Pallipatti,
Achanguttaipatti, Salem District.

Petitioner(s)

Vs

1. T.Sidheshwaran
Manipuram Muniyappan Kovil,
Pallapatty, Salem - 9

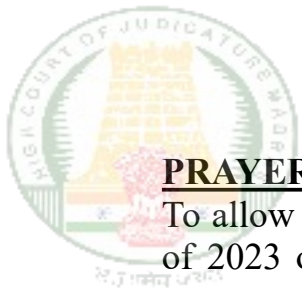
2.T.Vinoth
Manipuram, M Uniyappan Kovil,
Pallapatty, Salem - 9

3.T.Karthick
Manipuram, Muniyappan Kovil,
Pallapatty, Salem - 9

4.Suresh
Manipuram, Muniyappan Kovil,
Pallapatty, Salem - 9.

5.The State Rep By Its,
The Inspector Of Police, Pallapatty
Police Station, Salem District.

Respondent(s)



PRAYER

To allow this Criminal Revision and set aside the order pass in Crl.M.P.No.237 of 2023 on the file of the Judicial Magistrate II Salem Dated 10.11.2023 and consequently direct the 5th Respondent to register a case on the complaint of the petitioner dated 13.11.2022

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For Petitioner(s): Charles Kamalesh M.Appaji
P.Murthy
P.Sonu
T.Sarayu
J.Anees Kumar

For Respondent(s): Dr.C.E. Pratap, Government
Advocate (Crl. Side) for R5
Court Notice Served For R1 To
R4
R-1 T.Sidheshwaran Manipuram
Muniyappan Kovil, Pallapatty,
Salem - 9
R-2 T.Vinoth Manipuram, M
Uniyappan Kovil, Pallapatty,
Salem - 9
R-3 T.Karthick Manipuram,
Muniyappan Kovil, Pallapatty,
Salem - 9
R-4 Suresh Manipuram,
Muniyappan Kovil, Pallapatty,
Salem - 9.
Private Notice Permitted - Proof
Not Filed
Court Notice Not Sent To The
Respondents 1 To 4
Correct Address Not Furnished
By The Petitioner Counsel



ORDER

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This Criminal Revision Case has been filed to set aside the order passed in Crl.M.P.No.237 of 2023 on the file of the Judicial Magistrate II Salem dated 10.11.2023 and consequently direct the 5th Respondent to register a case on the complaint of the petitioner dated 13.11.2022

2. The brief facts of the case:

The petitioner states that he has been authorized by his son Mr. T. Arun Keerthivasan vide power of attorney dated 28.09.2022, and petitioner filed a petition before the Judicial Magistrate II, Salem, wherein the petitioner avers that on 03.01.2014 his son acquired a land measuring 13,662 square feet in T.S.No. 27 Pallapatty ward, E-Block and New TS.No. 38/2, ward -5 and is in continuous possession of the same. He alleged that respondents 1 to 4 herein have encroached upon his son's land for about 1200 square feet and are constructing a compound wall. The encroachment of the respondents 1 to 4 is well established and ascertained by the survey and measurement done by the Government surveyor. When the petitioner tried to stop the encroachment, the respondents 1 to 4 tried to assault him with knife; whereas, he luckily escaped. Thereafter the petitioner reported the incident to the police vide his complaint dated 13.11.2022 but no action was taken. Hence, the petitioner filed the petition under Section 159(3) Cr.P.C to issue suitable directions to the Inspector



of Police, Pallapatty Police Station. However, the Court below dismissed the said petition by holding that the alleged complaint does not disclose any cognizable offence. Challenging the same, the petitioner filed this Criminal Revision Case.

3. The learned counsel for the petitioner submits that without appreciating the documents submitted by the petitioner as well as illegal trespass made by the petitioner, the Court below dismissed the petition by holding that as it does not disclose any cognizable offence. Hence, he prays to allow this petition.

4. Heard the submission of the learned counsel for the petitioner.

5. In this case, the petitioner has lodged a complaint before the 5th respondent police alleging that on 07.07.2020 respondents 1 to 4 encroached upon his son's land for about 1200 square feet and are constructing a compound wall and when the petitioner questioned these actions, the respondents 1 to 4 attempted to assault him with knife. But the 5th respondent has not taken any action taken on his complaint. Hence, the petitioner filed a private complaint before the Trial Court but the same was dismissed as it does not disclose any cognizable offence.

6. On perusal of records, it is seen that the petitioner has produced 16 documents to prove his right and title, and it is alleged that the respondents 1 to 4 threatened him with knife. The veracity of these claims can only be determined through a formal inquiry. However, the Trial court dismissed the



petition filed by the petitioner. Hence, the order passed in Crl.M.P.No.237 of

2023th on the file of the Judicial Magistrate II Salem, is set aside. The 5 respondent is directed to conduct enquiry on the petitioner's complaint within a period of 12 weeks from the date of receipt of a copy of this order and if cognizable offence is made out, register FIR and conduct investigation. Accordingly, this Criminal Revision Case is disposed of. Pending petition(s), if any, is/are closed.

25-11-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1. The Judicial Magistrate II Salem.
2. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.
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