



Crl.RC.No.460 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 21.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.460 of 2025

V.Kaliyamoorthy

S/o.Venugopal

Power Agent of

R.Bharanidaran

S/o.Ramasamy

No.2/330, Throwbathiyamman Koil Street

Arasur Village, Thiruvannainallur Taluk

Vilupuram District- 607 107

Now residing at No.31,

Iyyappan Nagar Main Road, Thiruverkadu

Chennai - 600 077

... Petitioner

Vs.

1. The Commissioner of Police
Commissionerate Avadi City,
Avadi, Chennai - 600 054

2. The Deputy Commissioner of Police
Central Crime Branch
Commissionerate Avadi City
Avadi, Chennai - 600 054



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3. The Inspector of Police

Central Crime Branch

Avadi, Chennai - 600 054

... Respondents

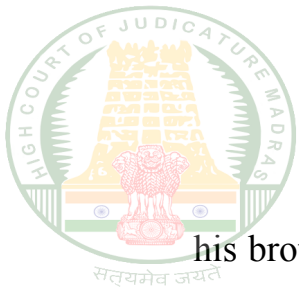
Prayer: Criminal Revision Case filed under Section 438 read with 442 B.N.S.S. to call for the records and set aside the judgment in Crl.M.P.No.2251 of 2024 dated 08.01.2025 on the file of the Judicial Magistrate-I at Poonamallee, seeking FIR direction under Section 175(3) of B.N.S.S.

For Petitioner	: Mr.C.Bala Subramaniam
For Respondents	: Mr.S.Sugendran
	Additonal Public Prosecutor

ORDER

This Criminal Revision Case has been filed by the petitioner to set aside the order in Crl.M.P.No.2251 of 2024 dated 08.01.2025 on the file of the Judicial Magistrate-I, Poonamallee.

2. The case of the petitioner is that the petitioner is the power of attorney of one Bharanidhaan who is now residing in USA as a job holder and before he went to USA, he had given General Power of Attorney to the petitioner who is



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his brother-in-law regarding purchase of land belong to the accused Sridharan,

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to an extent of 69 cents situated at Vilupuram District and they had also executed an unregistered agreement in which, the petitioner has signed as a witness. The accused Sridharan after receiving a sum of Rs.74 lakhs had not shown any interest to sell his land to Bharanidharan and when the same was questioned, the accused refused return the money and also threatened the petitioner. Subsequently, the petitioner came to know that the accused is trying to sell the property to another person without returning the money to the petitioner. Hence, the petitioner lodged a complaint against the said Sridharan to Avadi Commissionerate on 16.11.2023 and his brother-in-law also represented this complaint on 27.12.2023 after returning from USA. However, since no action was taken, the petitioner filed a petition in Cr.M.P.No.2251 of 2024 before the Judicial Magistrate No.I, Poonamallee, under Section 156(3) / 175(3) B.N.S.S. seeking direction to the respondent police to register the complaint and to investigate the same. However, the learned Magistrate, by



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order dated 08.01.2025, dismissed the same on the ground of civil in nature.

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Hence, the present revision is filed.

3. The contention of the petitioner is that all the money were transfered to the accused through bank transaction for the purchase of land and there are prima facie allegations for the commission of cognizable offence. However, both the police and the Magistrate failed to consider the nature of allegations and the commission of offence and simply dismissed the petition on the ground of civil in nature.

4. The learned Additional Public Prosecutor appearing for the respondents police submitted that there is an unregistered sale agreement between the parties and the petitioner has also filed a suit for specific performance and pending suit, they lodged the complaint. The preliminary enquiry revealed that the dispute between the parties is civil in nature. The learned Magistrate also, by considering the fact that the dispute between the two individuals is civil in nature, rightly dismissed the petition. Therefore,



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there is no merit in this revision.

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5. Heard both sides and perused the materials available on record.

6. It is seen that the petitioner has entered into an sale agreement with the proposed accused and there is a breach of contract and therefore, the learned Magistrate rightly observed that the dispute between the parties is civil in nature and there is no criminal liability.

7. This Court does not find any reason to interfere with the order passed by the Magistrate.

8. Hence, this Criminal Revision Case is dismissed.

9. However, the petitioner is at liberty to work out his remedy before the competent civil Court.

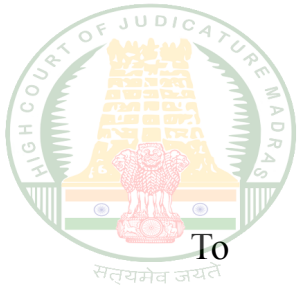
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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. The Judicial Magistrate No.I
Poonamallee
- 2 The Commissioner of Police
Commissionerate Avadi City,
Avadi, Chennai - 600 054
3. The Deputy Commissioner of Police
Central Crime Branch
Commissionerate Avadi City
Avadi, Chennai - 600 054
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Central Crime Branch
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5. The Public Prosecutor
High Court of Madras, Chennai



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P.VELMURUGAN. J.

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