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Crl.RC.No.359 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.359 of 2025

K.Sarada

... Petitioner

Vs.

The State Rep. by
The Inspector of Police
R-5, Virugambakkam Police Station
Crime Branch
Chennai

... Respondent

Prayer: Criminal Revision Case filed under Section 438 read with 442 of B.N.S.S. to set aside the order passed by the learned XXIII Metropolitan Magistrate Court, Saidapet, Chennai in Crl.M.P.No.19235 of 2024 dated 13.12.2024 and direct the respondent police herein to register FIR based on the petitioner's complaint dated 23.08.2024.

For Petitioner	: Mr.D.Gokul
For Respondent	: Mr.S.Sugendran Additional Public Prosecutor



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ORDER

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This Criminal Revision Case has been filed by the petitioner to set aside the order passed by the XXIII Metropolitan Magistrate Court, Saidapet, Chennai in Crl.M.P.No.19235 of 2024 dated 13.12.2024 and direct the respondent police herein to register FIR based on the petitioner's complaint dated 23.08.2024.

2. The case of the petitioner is that the subject property was inherited by the petitioner and her sister Bharathi by way of Deed of Will, dated 02.07.2014 registered as Document No.75 of 2014. In the said Will, the petitioner and her sister was given lifetime over the said property and were the right to enjoy the rents/other income accrued from the property without any alienation. The petitioner and her sister rented out the said property to various tenants by entering into rental agreements with the tenants and received rental incomes. One V.Lourdusamy inducted as a tenant with the petitioner's sister Bharathi in the year 2019 and entered into a rental agreement dated 14.02.2019 for



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commercial purpose to run a business in the name of M/s.Aura Yoga Centre for

a period of 11 months and the agreement expired on January 2020. After expiry

of the rental agreement, no new rental agreement was entered between

petitioner's sister due to Covid-19. The petitioner's sister Bharathi died on

17.07.2022. Then onwards, the petitioner is collecting rents from all the tenants

including the said Lourdusamy. All the tenants entered into a rental agreement

with the petitioner except the said Lourdusamy. The said Lourdusamy was

irregular in payment of rent after the demise of the petitioner's sister Bharathi.

The petitioner appointed M/s.M.D.Smart Advisory Private Limited as a

Property Manager to take care of the property including receiving rents. While

so, the said Lourdusamy kept two new sign boards namely (1) Aura Yoga and

Naturopathy Research Centre Private Limited and (2) Dhuruvam Wellness

Foundation. The contention of the petitioner is that, no company cannot be

registered in Registrar of Companies without obtaining NOC from the owner of

the building. The Loursdusamy has submitted a forged and fabricated rental



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agreement dated 27.02.2023 as if, it was entered with the petitioner's sister

Bharathi, whereas, the petitioner's sister Bharathi died on 17.07.2022 itself.

Hence, the petitioner sent a representation to the Commissioner of Police on

23.08.2024, but the police had not taken any action. Hence, the petitioner filed

a complaint under Section 175(3) of B.N.S.S. before the XXIII Metropolitan

Magistrate Court, Saidapet, Chennai in Crl.M.P.No.19235 of 2024 seeking

direction to the respondent police to register the complaint and to investigate

the matter, whereas, the learned Magistrate by order dated 13.12.2024,

dismissed the petition stating that the petitioner has not filed the vital

documents to show who is the owner of the property. Challenging the same, the

present revision is filed.

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

4. The petitioner herself admitted that she had not produced the said

Will. According to the petitioner, since there is no dispute with regard to title,

there is no need to produce the said Will. Further, the petitioner admitted the



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possession of the said Lourdusamy. Her contention is that the said Lourdusamy

forged the rental agreement dated 27.02.2023 as if, it was entered with the petitioner's sister Bharathi, whereas, the petitioner's sister Bharathi died on 17.07.2022 itself.

5. On a perusal of the materials this Court finds that it is a civil dispute and it cannot be given a criminal colour. Even assuming that the rental agreement has been forged, investigation is not necessary. Even the civil Court can send the disputed document to the Forensic Department with contemporary documents and find out as to whether the rental agreement is forged or not. This Court does not find any reason to interfere with the order passed by the Magistrate

6. Accordingly, this Criminal Revision Case is dismissed.

06.03.2025

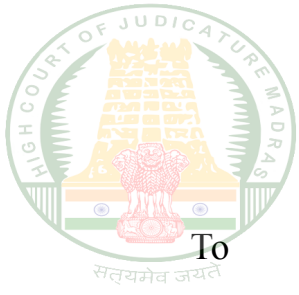
Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. The XXIII Metropolitan Magistrate Court,
Saidapet, Chennai
2. The Inspector of Police
R-5, Virugambakkam Police Station
Crime Branch
Chennai
3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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