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Crl.R.C.No.473 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.473 of 2025

N.Arumugasamy

... Petitioner

..vs..

1. The Commissioner of Police,
Greater Chennai Commissioner Office,
Veppery, Chennai – 600 002.

2. The Inspector of Police,
V-4, Rajamangalam Police Station,
Law and Order, Kolathur,
Chennai – 600 099.

... Respondents

Criminal Revision Case filed under Sections 438 of BNSS, 2023,
to call for the entire records in connection with Crl.M.P.No.591 of 2025
and to set aside the order dated 06.03.2025 passed by the learned XIII
Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.S.Vijayaraghavan

For Respondents : Mr.S.Sugendran

Additional Public Prosecutor

ORDER

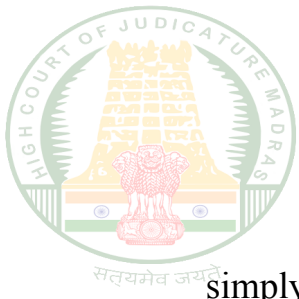


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This Criminal Revision Petition has been preferred against the order dated 06.03.2025 in Crl.M.P.No.591 of 2025 on the file of the XIII Metropolitan Magistrate, Egmore, Chennai.

2. According to the petitioner, the petitioner and his wife are the absolute owners of the property situate in S.No.152 measuring an extent of 5110 sq.ft. and 5307 sq.ft., and they have purchased the said property by way of registered sale deed from V.Manjula and V.Prabaker Rao. From the date of purchase of the said property, the petitioner and his family are in possession of the said property by putting fencing. While that being so, on 25.11.2024, some rival parties trespassed into the said land and also caused damage to the property. Hence, the petitioner filed a complaint before the respondent-Police, but the respondent-Police neither initiated any investigation nor registered an FIR and not even given any C.S.R. for the said complaint. Therefore, the petitioner filed a petition under Section 175(3) BNSS, 2023, seeking a direction to the respondent-Police to register the complaint. However, the learned Magistrate, failed to consider the allegations levelled as against the proposed accused and

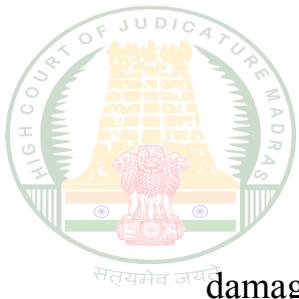


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simply dismissed the petition. Aggrieved by the said order, the present revision petition has been filed by the petitioner.

3. Learned counsel for the petitioner submitted that the petitioner, who is about 76 years is the absolute owner of the subject property. However, third parties, who have no right over the property had trespassed into the property and also caused damage. He further submitted that the learned Magistrate failed to consider the allegations made in the complainant and the documents produced by the petitioner, came to the conclusion that the dispute between the parties is civil in nature and both the parties have already approached the civil Court and a suit in O.S.No.216 of 2024 is pending before District Munsif Court, Ambattur and also referred the decision of the Hon'ble Supreme Court in ***Lalita Kumari Vs. Government of Uttar Pradesh and Others reported in (2014) 2 SCC 1***, and dismissed the petition. However, the suit in O.S.No.216 of 2024 filed against other persons, who have not caused



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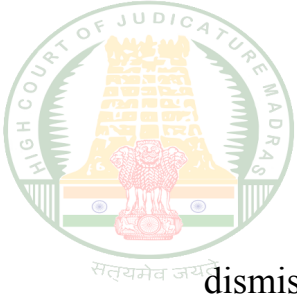
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damaged to his properties. He further submitted that the judgement cited by the learned Magistrate is not applicable to the present case.

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

5. On a reading of the entire materials, it is seen that there is a title dispute between the petitioner and third party, which is civil in nature. Further, the petitioner had already approached the Civil Court and filed a suit in O.S.No.216 of 2024 regarding the title over the property and the same is pending. Though the petitioner has given a criminal colour to a civil dispute and filed the complaint, the learned Magistrate has rightly appreciated the entire materials and dismissed the petition.

6. Taking note of the above facts and circumstances, this Court does not find any reason to interfere with the order passed by the learned Magistrate and there is no merit in the revision petition and the same is liable to be dismissed. Accordingly, this Criminal Revision Petition is



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dismissed. It is open to the petitioner workout his remedy before the pending civil suit.

24.03.2025

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case : Yes/No
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To

1. The XIII Metropolitan Magistrate,
Egmore, Chennai.
2. The Commissioner of Police,
Greater Chennai Commissioner Office,
Veppery, Chennai – 600 002.
3. The Inspector of Police,
V-4, Rajamangalam Police Station,
Law and Order, Kolathur, Chennai – 600 099.
4. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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