



Crl.RC.No.822 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2025

CORAM:

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

Crl.R.C.No.822 of 2025

Arumai Nathan

..... Petitioner

Vs

1.Devadass Walter

2.John Britto

3.Station House Officer,
Nedungadu PS, Nedungadu

..... Respondent

Prayer: Criminal Revision Case is filed under Section 438 r/w 442 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to set aside the order dated 24.02.2025 passed in M.C.No.15 of 2023 on the file of the learned Sub-Divisional Magistrate, Karaikal and consequently allow the M.C.No.15/2023 filed by the respondents under Section 107 of Cr.P.C.

For Petitioner : Mr.P.Suresh

For R-1 & R-2 : Mr.R.T.Shyamala

For R-3 : Mr.Gopinath,
Government Advocate (Crl.Side)



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ORDER

This Criminal Revision Case has been filed as against the order dated 24.02.2025 passed in M.C.No.15 of 2023 on the file of the learned Sub-Divisional Magistrate, Karaikal thereby removing the subject properties from the warrant of attachment under Section 146(1) of Cr.P.C.

2. The petitioner is engaged in real estate business and entered into an unregistered agreement with the first and second respondents herein for sale dated 23.04.2015 in respect of 81 house plots situated at “Aahirwardh Avenue” and had paid a sum of Rs.50,00,000/-. Thereafter, mutually agreed by both the parties, the said consideration for the said plots at Rs.3 Crores. After execution of agreement, the petitioner came to understand that the first and second respondent had sold out 72 plots even after agreement for sale dated 23.04.2015. While being so, there was a dispute and as such the petitioner lodged a complaint and the same was referred before the Sub-Divisional Magistrate at Karaikal to initiate proceedings under Section 146 of Cr.P.C. Though initially remaining properties were attached however, vide order dated 24.02.2025, the attachment was lifted and permitted the respondents to proceed with the sale since it is a civil dispute between the parties.



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3. The learned counsel for the petitioner would submit that infact the respondents filed a suit for injunction in O.S.No.70 of 2022. Though initially they obtained an order of injunction as against the petitioner, subsequently, by order dated 04.01.2025 it was vacated and the petitioner has equal right on the suit property when an agreement is still in force. Aggrieved by the same, the appeal was also filed and the same is pending.

4. Heard the learned counsel appearing on either side and perused the materials placed on record.

5. Admittedly, the agreement for sale is an unregistered one. Mere agreement for sale would not give any right over the property. Therefore, the Sub-Divisional Magistrate rightly raised the attachment and this Court finds no infirmity or illegality in the order dated 24.02.2025 passed in M.C.No.15 of 2023.

6. Accordingly, this Criminal Revision Case stands dismissed.

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Index : Yes/No
Internet : Yes/No
Speaking/Non Speaking order
Nhs



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G.K.ILANTHIRAIYAN. J,

Nhs

To

1.The learned Sub-Divisional Magistrate,
Karaikal

2.The Station House Officer,
Nedungadu PS, Nedungadu

2. The Public Prosecutor,
High Court of Madras,
Chennai-600 104.

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