



Crl.R.C.No.261 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

CORAM:

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

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G.V.Nagaraj

... Petitioner

Vs

1. Ravikumar
Inspector of Police,
Presently The Deputy Superintendent of Police,
Dharmapuri District.
2. Senthamaraiselvi,
Inspector of Police,
All Women Police Station,
Sangagiri, Salem District.
3. Ramraj
4. Rajadurai
5. Sengottuvel
6. Saranya
7. Samiappan
8. Arjunan
9. Siva @ Sivanathan
10. Saravanan

... Respondents

PRAYER: Criminal Revision Case is filed under Section 338 read with 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed in CMP.No.81 of 2023 on the file of the Judicial Magistrate



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No.2, Athur, dated 08.02.2024.

For Petitioner : Mr.B.Gopalakrishnan
For Respondents : Notice served
No appearance

ORDER

This Criminal Revision has been filed to set aside the order passed in CMP.No.81 of 2023 on the file of the Judicial Magistrate No.2, Athur, dated 08.02.2024, thereby dismissing the private complaint filed as against the closure report in Crime No.59 of 2019 for the offences punishable under Sections 147, 506(ii) of IPC read with Section 3 of TNPPDL Act.

2. Heard the learned counsel for the petitioner and perused the materials available on record. Though notice served on the respondents and the name has been printed in the cause list, today, no one appeared on behalf of the respondents in person or through pleader.

3. A perusal of the complaint lodged by the petitioner revealed that due to property dispute, the accused were disturbing the peaceful possession and enjoyment of the subject property of the defacto



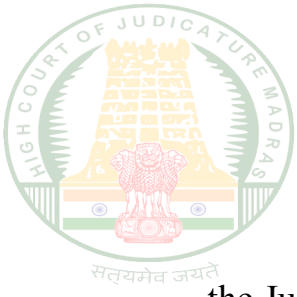
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complainant. They also damaged the subject property. In fact, a suit is also pending in O.S.No.129 of 2018, on the file of the District Munsif Court, Athur, Salem. Therefore, a complaint was lodged in Crime No.59 of 2019 for the offences punishable under Sections 147, 506(ii) of IPC read with Section 3 of TNPPDL Act on the file of the Inspector of Police, Thammampatty Police Station, Salem. However, the same was closed as “Mistake of Fact”.

4. A perusal of records revealed that FIR was registered on 11.04.2019 and on the same day, it was closed as “Mistake of Fact”. Therefore, the petitioner filed a private complaint and the same was also dismissed.

5. In view of the above, the petitioner has made out a prima facie case to charge the accused for the offences punishable under Sections 147, 506(ii) of IPC read with Section 3 of TNPPDL Act. Therefore, the impugned order cannot be sustained and is liable to be set aside. Accordingly, the order passed in CMP.No.81 of 2023 on the file of



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the Judicial Magistrate No.2, Athur, dated 08.02.2024 is hereby set aside.

The Judicial Magistrate No.2, Athur is directed to take cognizance on the complaint lodged by the petitioner and proceed with the trial after giving an opportunity of hearing the accused.

6. Accordingly, this Criminal Revision Case is allowed.

18.08.2025
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Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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To

The Judicial Magistrate No.2, Athur.



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G.K.ILANTHIRAIYAN. J.

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