



*Crl.R.C.No.845 of 2025
& Crl.M.P.No.11616 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2025

CORAM:

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

Crl.R.C.No.845 of 2025
& Crl.M.P.No.11616 of 2025

N.Syamasundara Naidu

..... Petitioner

Vs

1.V.Dakshinamoorthy

2.B.H.Himagiribabu

3.State by the Inspector of Police,
DCB-II, (ALGSC) Vellore

..... Respondents

PRAYER: Criminal Revision Case is filed under Sections 442 r/w 438 of Bharatiya Nagarik Suraksha Sanhita, 2024 to set aside the order dated 08.04.2025 dismissing the Crl.M.P.No.3993/2024 on the file of Hon'ble Judicial Magistrate – II, Vellore, Vellore District to duly allow the Crl.M.P.No.3993 as prayed for.

For Petitioner : Mr.N.Pavan Kumar

For R-1 & R-2 : Mr.G.Vinodhkumar

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



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ORDER

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This Criminal Revision Case has been filed as against the order dated 08.04.2025 passed in Crl.M.P.No.3993 of 2025 on the file of the Judicial Magistrate-II, Vellore, Vellore District thereby dismissed the petition and refused to add other charges.

2. The case of the prosecution is that the accused fabricated an unregistered agreement for sale dated 05.12.2012 and attempted to grab the property comprising survey Nos.376/1B1 and 376/1C1 in Melalathur Village, Gudiyatham, Vellore and forged the signature of the petitioner. On receipt of the said complaint, the third respondent registered FIR and filed a final report and the same has been taken cognizance in C.C.No.10/2016 for the offences under Section 120(B) 419, 420, 423, 447, 465, 468, 471, 506(2) of I.P.C. While pending trial, the petitioner filed an application under Section 216 of Cr.P.C to add the charges under the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 and the same was dismissed. Aggrieved by the same, the present revision has been filed.

3. The learned counsel for the petitioner would submit that the



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main charge itself is that the first and second respondents forged the signature of the petitioner and fabricated the agreement for sale, trespassed into the property and cut down the trees which were located in the subject property. Therefore, the petitioner filed a petition to add the charges under the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992. In fact, so far as the prosecution had examined P.W.1 and marked Ex.P1 to Ex.P.14, during the examination of the Investigation Officer, the petitioner/De-facto Complainant filed a petition under Section 302 of Cr.P.C to assist the prosecution. However, it was dismissed and this Court in Crl.R.C.No.1164 of 2022 allowed the petition and the petitioner is permitted to appoint a private counsel to conduct the trial. Thereafter, the petitioner filed all the documents and filed a recall petition to recall these witnessess. On the basis of the said documents and witnesses, the petitioner filed the present application. However, it was dismissed on the ground that the alleged agreement for sale is under consideration and as such it cannot be determined whether the cutting of the coconut trees was illegal. As stated *supra*, the very charge itself is that the accused forged the signature and fabricated the agreement for sale. Therefore, the charge under the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 is very much attracted.



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

5. Though the learned counsel appearing for the first and second respondent submitted that already the suit is also pending for the specific performance, on the strength of the alleged agreement of sale, it is not an impediment for the trial court to frame the charges under the Act. Hence, the order passed by the trial court cannot be sustained.

6. Accordingly, the order dated 08.04.2025 passed in Crl.M.P.No.3993 of 2024 by the learned Judicial Magistrate No.II, Vellore, Vellore District is hereby set aside. The trial court is directed to frame the charges under the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 and proceed with the trial in accordance with law.

7. In the result, this Criminal Revision Case is allowed. Consequently, the connected Miscellaneous Petition is closed.



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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

Nhs

To

1. The Judicial Magistrate -II,
Vellore, Vellore District.
- 3.The Inspector of Police,
DCB-II, (ALGSC) Vellore
2. The Public Prosecutor,
High Court of Madras,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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