



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2044 of 2025

1. SELVAM

S/o. Appavu, Kottavur Village,
Chengam Taluk, Tiruvannamalai
District.

Petitioner(s)

Vs

1. Bharathi,

W/o Kesavan, D/o. Late
Baktavachalam, Pooja Amman Kovil
Street, Mookandpalli Village, Hosur
Talu, Krishnagiri District.

2.The Inspector of Police

Chengam Police Station, Chengam,
Tiruvannamalai District.

Respondent(s)

PRAYER

Criminal Revision case filed under Section 438 of BNSS, praying to call for the records and set aside the order dated 12.12.2024, made in Cr.M.P.No.2691 of 2024 in S.C.No.219 of 2007, passed by the learned Principal District and Sessions Judge, Tiruvannamalai.



WEB COPY

CRL RC No. 2044 of 2025



For Petitioner(s): Mr.B.Jawahar

For R1 Mr.P.S.Kothandaraman
For R2 Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

Challenging the order dated 12.12.2024, made in Cr.M.P.No.2691 of 2024 in S.C.No.219 of 2007, passed by the learned Principal District and Sessions Judge, Tiruvannamalai, the petitioner, being aggrieved, has preferred this revision.

2. The learned counsel for the petitioner submitted that a civil suit in O.S. No. 95 of 2004 is already pending between the parties, wherein the petitioner has sought a declaration. To prove his claim, he relies on certain documents standing in the name of the father of the respondent, Bakthavatchalam / de facto complainant, who is now deceased. For the purpose of proving his claim, the petitioner sought the original documents which were received by the



Investigating Officer during the investigation from the de facto complainant, Bakthavatchalam. These documents were thereafter handed over to the petitioner, who produced them before the Trial Court, where they were marked as Ex. P8 — the original sale deed dated 22.09.1993 — along with the death certificate and marriage certificate of the deceased Srimathi, daughter of the de-facto complainant. Aggrieved by the said course, the first respondent, daughter of the de- facto complainant, filed an application before the Trial Court seeking return of the original documents as it belongs to her grandfather. Upon considering the objections, the learned Trial Judge allowed the application and directed the petitioner to return the original documents, since he had received them along with an undertaking affidavit. Aggrieved by that order, the petitioner / accused has preferred this revision.

3. Heard both sides. When the matter was taken up, the first respondent appeared. The daughter of the deceased Srimathi also appeared.

4. The facts reveal that the daughter of Bakthavachalam, namely Srimathi, was married to one Sambath. Due to family disputes, she later died along with one



child, and their bodies were found in a well. The family members of Srimathi claimed that it was a case of murder, whereas the husband's family claimed it was a case of suicide. After the death of Srimathi, a panchayat was held, wherein property belonging to the husband's family was given to the de facto complainant / father of the deceased through a sale deed dated 22.09.1993, comprising an extent of 1 acre and 75 cents in order to look after the another minor daughter of deceased. Thereafter, the members of the husband's family caused interference, and criminal proceedings also came into existence. The petitioner herein is the brother of Sambath, the husband of the deceased.

5. The husband's family members have filed a civil suit in O.S. No. 95 of 2004 seeking a declaration that the sale deed was null and void, as it was obtained under coercion. According to the petitioner, they are in possession of the property but no records. However, as per the submissions of the first respondent, during the lifetime of the de facto complainant Bakthavachalam, he was in peaceful possession and enjoyment of the property as its absolute owner. Out of the total extent of 1 acre and 75 cents, he had already sold 75 cents, and



daughter of deceased also brought up with the Srimathi and the first respondent / de facto complainant's family continues to hold remain 1 acre of land as legal heirs of deceased Bakthavachalam.

6. When this Court enquired into the matter, the first respondent, daughter of the de facto complainant, submitted that the petitioner and his family members have been causing interference and have not permitted her to enjoy the property, though the sale deed absolutely stands in the name of the de facto complainant, Bakthavachalam. The petitioner and others have no right to cause interfere. Therefore, till the disposal of the civil suit, the petitioner and his family members are restrained from causing any interference in the enjoyment of the remaining 1 acre of land. In case of any deviation, liberty is granted to the first respondent to approach the jurisdictional police. All these years, the daughter of the deceased Srimathi has been brought up by the de facto complainant and his family, and without any source of income, they have suffered at the hands of the petitioner's family, who have obstructed their enjoyment of the property.



7. Considering the sale deed dated 22.09.1993, it is evident that handing over the original sale deed to the petitioner by the Trial Court without issuing notice was improper, since the de facto complainant was the original owner. If the petitioner claims that the document was obtained by coercion, he must establish the same before the civil court in the pending suit. Until then, the de facto complainant and, after his death, his legal heirs remain the absolute owners of the property. Therefore, the findings rendered by the Trial Judge require no interference.

8. The petitioner is directed to hand over the original documents, including the sale deed to 1st respondent, within a period of two weeks from the date of receipt of a copy of this order, and certified copy of the same shall be submitted before the Trial Court, which shall substitute the original documents accordingly. With these directions, this revision is disposed of.

9. The jurisdictional police are also instructed that, in the event of any



interference caused by the petitioner's family to the 1st respondent's possession and enjoyment, they shall take appropriate action in the manner known to law.

21-11-2025

rri

Index:Yes/No

Speaking/Non-speaking order

To

1.Bharathi,
W/o Kesavan, D/o. Late
Baktavachalam, Pooja Amman Kovil
Street, Mookandpalli Village, Hosur
Talu, Krishnagiri District.

2.The Inspector of Police
Chengam Police Station, Chengam,
Tiruvannamalai District.

3.The Principal District and Sessions
Judge, Tiruvannamalai.



WEB COPY

CRL RC No. 2044 of 2025



T.V.THAMILSELVI J.
rri

CRL RC No. 2044 of
2025

21-11-2025