



Crl.R.C.No.872 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 26.08.2025

CORAM:

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

Crl.R.C.No.872 of 2025
and Crl.M.P.No.11884 of 2025

1. N. Varshitha
2. Sridhar

... Petitioners

Vs.

1. The Sub Divisional Magistrate/
Sub Collector,
Hosur,
Krishnagiri District.

2. The Sub Inspector of Police,
Berigai Police Station,
Krishnagiri District.

3. K.Venugopal
4. Venkatraj
5. Pushpa
6. Prema
7. Pasappa
8. Lakshamma

... Respondents

PRAYER: Criminal Revision has been filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records pertaining to the order dated 05.06.2025 made in Na.Ka.2346/2025/B1 passed by the 1st respondent, set aside the same by allowing this Revision Petition.



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Crl.R.C.No.872 of 2025

For Petitioner : Mr.N.Manoharan
For Respondents : Mr.A.Gopinath
For R1 & R2 : Government Advocate (Crl. Side)
For R3 to R8 : Mr.E.Kannadasan

ORDER

The Criminal Revision Case has been preferred as against the order dated 05.06.2025 passed by the first respondent in Na.Ka.2346/2025/ B1, thereby ordered that the petitioners shall not interfere with the peaceful possession and enjoyment of the subject property by the respondents 3 to 8 herein, under Section 152 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “BNSS”).

2. The petitioners lodged complaint before the second respondent alleging that they are in possession and enjoyment of the subject property. While being so, the respondents 3 to 8 were attempted to trespass into the property and scolded them with filthy language. They also threatened them with dire consequences to vacate the said land. On receipt of the complaint, the second respondent registered the FIR in Crime No.199 of 2024 for the offence punishable under Section 192(2), 296(b), 351(2) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS”) r/w. Section 4 of Tamil Nadu



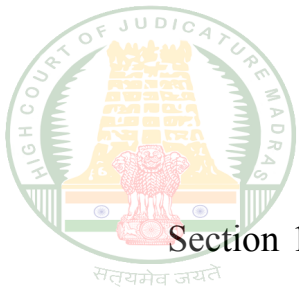
Crl.R.C.No.872 of 2025

Prohibition of Women Harassment Act, 1998. After registration of FIR, it was

referred to the first respondent to initiate proceedings under Section 152 of BNSS. After due enquiry, the first respondent by an order dated 05.06.2025 directed the petitioners not to interfere with the peaceful possession and enjoyment of the respondents 3 to 8 herein, in respect of the property comprised in survey Nos.190/2A, 190/2B, 190/4 & 190/8 situated at Thooripalli Village, Soolagiri Taluk, Hosur, Krishnagiri District. Aggrieved by the same, the petitioners filed the present revision case.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. Admittedly, in respect of the very same property already two partition suits are pending before the Civil Court in O.S.No.54 of 2021 on the file of the learned District Munsif, Hosur and in O.S.No.258 of 2021 on the file of the learned Principal Subordinate Judge, Hosur. That apart, the respondents 3 to 8 also filed a suit in O.S.No.84 of 2025 on the file of the learned District and Sessions Judge, Krishnagiri, in respect of the very same property for declaration and permanent injunction. All the suits are pending without any interim order. Even then, the first respondent entertained the proceedings under



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Section 152 of BNSS. When the civil Court seized the issued in respect of the subject property, the first respondent has no power or authority to order of injunction restraining the petitioners from interfering with the peaceful possession and enjoyment of the said property by the respondents 3 to 8 herein.

5. There is no scope to doubt or dispute the position that the decree of the civil Court is binding on the criminal Court in a matter like the one before this Court. The parallel proceedings should not be permitted to continue and in the event of a decree of the civil Court, the criminal Court should not be allowed to invoke its jurisdiction particularly when possession is being examined by the Civil Court and parties are in a position to approach the Civil Court for interim orders such as interim injunction. It is only in cases where civil suit is for possession or for declaration of title in respect of the same property and where relief regarding protection of the property concerned can be applied for and granted by the Civil Court, then proceeding under Section 152 of BNSS should not be allowed to be continued. This is because the civil Court is the competent to decide the question of title as well as possession between the parties and the orders of the civil Court would be binding on the Magistrate viz., the first respondent herein.

6. On perusal of the complaint lodged by the petitioner, there is no



Crl.R.C.No.872 of 2025

mentioning about the breach of peace, much less the subjective satisfaction.

Therefore, in the absence of any apprehension of breach of peace or any satisfaction that there is likely to be a situation of breach of peace exists, the order passed by the first respondent is unsustainable and is liable to be set aside.

7. In view of the above discussions, the order dated 05.06.2025 passed by the first respondent in Na.Ka.2346/2025/ B1, is hereby set aside. The petitioners as well as the respondents 3 to 8 are at liberty to approach the civil Court for appropriate relief in respect of the subject property. It is also made clear that any of the observations or findings made by the first respondent shall not influence the civil Court while deciding the above mentioned suits.

8. Accordingly, the Criminal Revision Case stands allowed. Consequently, connected miscellaneous petition is closed.

26.08.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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Crl.R.C.No.872 of 2025

G.K.ILANTHIRAIYAN. J.

rts

To

1. The Sub Divisional Magistrate/
Sub Collector,
Hosur,
Krishnagiri District.

2. The Sub Inspector of Police,
Berigai Police Station,
Krishnagiri District.

3. The Public Prosecutor,
Madras High Court,
Chennai.

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