



CrI.R.C.No.957 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2025

CORAM:

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

CrI.R.C.No.957 of 2025

and

CrI.M.P.No.12778 of 2025

Inderchand Kochar

..... Petitioner

Vs

1. L.Dhandapani

2. State represented by
The Commissioner of Police,
Office of the Tambaram
Commissioner of Police,
Sholinganallur, Chennai – 119.

3. State represented by
Deputy Commissioner of Police,
Office of the Tambaram,
Deputy Commissioner of Police,
Sholinganallur, Chennai – 119.

..... Respondents

Prayer: Criminal Revision is filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the 03.03.2025 in CrI.M.P.No.571 of 2025 passed by the Hon'ble Judicial Magistrate II, at Chengalpattu.

For Petitioner : Mr.Nithesh Nataraj
for Mr.Anirudh A Sriram

For R1 : Mr.M.Mohammed Riyaz



Crl.R.C .No.957 of 2025

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For R2 & R3

for Mr.K.Gowthaman

: Mr.A.Gopinath

Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case has been filed challenging the order dated 03.03.2025 passed in Crl.M.P.No.571 of 2025 by the Judicial Magistrate No.II, Chengalpattu, thereby ordered for investigation by the Station House Officer concerned and to proceed in accordance with law.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The first respondent lodged a complaint alleging that the petitioner and the first respondent had multiple business transactions for the past ten years. The first respondent owned 6.65 acres of land, and his wife owned 1.02 acres of land, aggregating to a total extent of 7.67 acres, situated at Thaiyur Village, Thiruporur Taluk, Chengalpattu District. In the year 2016, in order to develop the said property, the accused approached the first respondent and induced him to lay out the subject land for residential purpose. Pursuant to which, the first respondent and the accused entered into an agreement for sale



Crl.R.C .No.957 of 2025

on 02.11.2016 in respect of the subject land for a total sale consideration of

Rs.31,25,50,000/- and Rs.4,70,40,000/- in respect of the total extent of the land owned by the first respondent and his wife. Subsequently, the first respondent and his wife executed a power of attorney in favour of the accused, authorising him to obtain approval from the competent authority for formation of the layout. In this regard, three Powers of Attorney were executed in favour of the accused on 02.11.2016 and 29.11.2016 registered vide document Nos.13194, 13195 & 13572 of 2016.

4. As per the sale agreement, the total sale consideration was fixed at Rs.36,04,90,000/-, out of which a sum of Rs.10,00,50,001/- was payable to the first respondent and his wife. However, the accused failed to pay the agreed amount as promised. Though the accused had issued nine cheques for various amounts on different dates, on their instructions, the said cheques were not presented for collection. When the first respondent demanded the balance sale consideration, the accused threatened him with dire consequences. In fact, on 02.09.2023, the accused engaged henchmen, unlawfully entered the house of the first respondent, damaged the household articles and forcibly obtained the cheque books at knife point. For the said occurrence, the daughter of the first respondent lodged a complaint and the same has been registered in

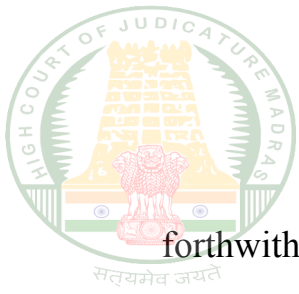


CrI.R.C .No.957 of 2025

Crime No.522 of 2023. Further, the accused forged the life certificate of the first respondent, by misusing the power of attorney, executed sale deeds in favour of various third parties. They also fabricated receipts as if the first respondent had received the sale consideration.

5. That apart, as against the petitioner, nine cases had been registered for similar offences. Though in one such case the accused obtained an order of quashment, they were convicted and subsequently settled the matter with the defacto complainant. Thereafter, the conviction was set aside against the accused. Therefore, the Trial Court found that the acts of the accused constitute cognizable offences and accordingly directed the Station House Officer to conduct investigation and proceed in accordance with law.

6. In fact, even after direction issued by the learned Magistrate, no FIR was registered and no investigation was conducted as against the accused. Therefore, the first respondent was constrained to approach this Court in CrI.O.P.No.13159 of 2025 seeking a direction to register an FIR as directed by the learned Magistrate. This Court, by an order dated 28.04.2025, directed the Inspector of Police, Central Crime Branch, Tambaram, to register an FIR as directed by the learned Magistrate in CrI.M.P.No.571 of 2025 dated 03.03.2025,



Crl.R.C .No.957 of 2025

forthwith. In spite of the said order, till date, no FIR has been registered as against the accused. Therefore, there are sufficient materials to constitute the offences and to warrant registration of an FIR as against the accused.

7. In view of the foregoing discussion, this Court finds no infirmity or illegality in the order dated 03.03.2025 passed in Crl.M.P.No.571 of 2025 by the Judicial Magistrate No.II, Chengalpattu. Accordingly, this Criminal Revision Case stands dismissed. However, the Station House Officer, Central Crime Branch, Chennai, is directed to register an FIR and proceed with the investigation in accordance with law. Consequently, connected miscellaneous petition is closed.

02.07.2025

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

To

1.The Judicial Magistrate No.II,
Chengalpattu.

2. The Commissioner of Police,



CrI.R.C .No.957 of 2025

Office of the Tambaram
Commissioner of Police,
Sholinganallur, Chennai – 119.

3. The Deputy Commissioner of Police,
Office of the Tambaram,
Deputy Commissioner of Police,
Sholinganallur, Chennai – 119.

4. The Public Prosecutor,
High Court of Madras,
Chennai.

Copy to :
The Station House Officer,
Central Crime Branch, Chennai.

G.K.ILANTHIRAIYAN. J,

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CrI.R.C .No.957 of 2025

CrI.R.C.No.957 of 2025

02.07.2025