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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2025

CORAM:

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

CrI.O.P. No.21590 of 2024
and CrI.M.P. No.12353 of 2024

A.E.Venkatesan

.... Petitioner

Vs

1.The Revenue Divisional Officer,
Tirutani, Thiruvallur District.

2.The Inspector of Police,
D1, Tiruttani Police station,
Tiruttani, Tiruvallur District.

3.A.K.Kuppan

.... Respondents

PRAYER: This Criminal Original Petition is filed under 528 of the B.N.S.S. Act, 2023, to call for the records pertaining to impugned FIR in Crime No.608 of 2024 on the file of the 2nd respondent and quash the same forthwith.

For Petitioner : Mr.V.Manohar

For Respondents : Mr.K.M.D Muhulan
Government Advocate (Crl. Side)
for R1 & R2
Mr.L.Ramu for R3.

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ORDER

This Petition has been filed challenging the FIR registered in Crime No.608 of 2024 under Section 145 Cr.P.C. on the file of the second respondent.

2. The third respondent lodged a complaint claiming ownership of the property comprised in S.No.256/7, Patta No.431 situated at Mathur Village, Tirthani Taluk, which is in possession of the petitioner and stated that the petitioner is claiming to be the owner and refused to vacate the subject property. In this regard, already Section 145 Cr.P.C proceedings was initiated by the first respondent and passed orders in Na.Ka. No.797/2024/A2 dated 09.05.2024 stating that the property comprised in S.No.256/7 situated at Mathur Village, Thiruthani Taluk owned by one Velayutham, who is none other than the father of the third respondent. In turn, he had executed unregistered sale deed in respect of the property to an extent of 1520 sq.ft and subsequently, subdivided in S.No.256/1 for a sum of Rs.2,00,000/- and thereafter, the petitioner



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developed the same by construction. Now, he is in possession and enjoyment of the said property for several years. Further, the first respondent held that the property is owned by the third respondent and his brothers and the petitioner has not shown any registered documents to prove his title. Therefore, the third respondent has been directed to approach the concerned police for further action on the complaint lodged by him. Now the second respondent has registered the FIR under Section 145 Cr.P.C and referred the matter once again to the first respondent.

3. On perusal of records, it is clear that there is a title dispute in respect of the subject property between the petitioner and the third respondent. Therefore, the FIR under Section 145 Cr.P.C lodged once again and referral of the same before the first respondent would not serve any purpose. Hence, the registration of the FIR itself is an abuse of process of law and the same cannot be sustained and is liable to be quashed.



WEB COPY 4. In view of the above, this Criminal Original Petition is allowed and FIR in Cr.No.608 of 2024 on the file of the 2nd respondent is hereby quashed. The third respondent is at liberty to approach the Civil Court for appropriate relief in respect of the subject property which is in possession of the petitioner. Consequently, connected Miscellaneous Petition is closed.

21.02.2025

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

1.The Revenue Divisional Officer,
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2.The Inspector of Police,
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G.K.ILANTHIRAIYAN, J.

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