



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2218 of 2025

1. R.Baburajan

S/o.Raman

2. Venkat Varshan

Minor

3. Priya Varshini

Minor

4. Jaya Varshin Minor

The Minors are represented by their fathers namely Mr.Baburajan Due to death of 1st petitioner and her LR s were implead vide order passed in C.M.P.No.1128/2024 dated 02.12.2024 all the petitioners are residing at No.40, N.K.Nagar, Pahayam, Vellore District

5. B.Vimala (died)

W/o.Baburajan

Petitioner(s)

Vs



1. State rep by the
Sub inspector of Police
Vellore Taluk Police Station,
Vellore District

2. The Superintendent of Police
Vellore District, Vellore.

Respondent(s)

PRAYER: Criminal Revision Case filed under Section 438 r/w 442 of BNSS Act 2023, praying to call for the records and set aside the impugned order dated 12.06.2025 in CMP.No.8942 of 2022 on the file of the Judicial Magistrate – I, Vellore and investigate the matter by Deputy Superintendent of Police, Crime Branch, Vellore District to ends of justice.

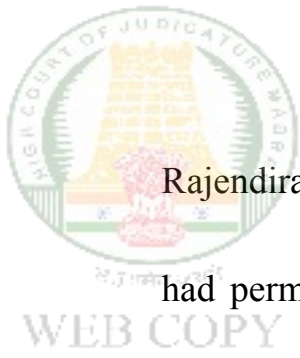
For Petitioner(s): Mr.R.Sankarasubbu

For Respondent(s): Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

Aggrieved by the order passed by the learned Trial Judge, the petitioner has preferred the present revision petition.

2. Before the trial Court, one Vimala, who was the owner of the land, filed an application under Section 156(3) Cr.P.C., seeking a direction to register an FIR against the proposed accused, Rajendiran. She alleged that the said



Rajendiran had forged her signature and created a false lease agreement as if she had permitted him to take gravel and sand from the land belonging to her in Survey No.205/23, which stands in her name and in the name of her mother, Selvarani.

3. In fact, she had never entered into any lease agreement, and her signature was forged. Without her consent, the said Rajendiran had illegally carried out mining operations on her land and committed theft of sand. Therefore, she issued notices to the respondent police, the District Collector, and the Revenue and Mining Department officials on 24.05.2022. However, no action was taken by the revenue officials, rather, it was alleged that they acted in collusion with the proposed accused, Rajendiran. Consequently, she filed a private complaint before the respondent police seeking appropriate action. Before the trial Court, she sought a direction to the respondent police to register the case. After completion of the enquiry, the learned Trial Judge dismissed the application, holding that since the original owner, Vimala, had passed away during the pendency of the proceedings and her legal representatives had not



taken any steps to challenge the alleged lease deed before the civil Court, the petition was not maintainable. The trial Court further held that if the document was truly forged and fabricated, the remedy lies before the competent civil forum for declaration, and not through criminal prosecution. Accordingly, the application was dismissed. Challenging the said order, the present revision has been filed.

4. The learned counsel for the petitioner submitted that the main contention of the petitioner is that the signature of the original owner, Vimala, was forged in the alleged lease agreement, and hence, the document requires scientific examination and expert opinion. It was further contended that the illegal mining activity carried out by the proposed accused clearly attracts criminal liability. However, the trial Judge failed to appreciate these facts and erroneously held that the petitioner ought to have approached the civil forum, which finding is illegal and liable to be set aside.



5. On perusal of the records produced by the petitioner, it appears that the original petitioner, Vimala, and her mother, Selvarani, are the owners and possessors of lands in Survey No.205/1, measuring an extent of 0.56.0 hectares, and in Survey No.205/2, measuring an extent of 1.0.50 hectares, covered under Patta No.1383. It was stated by the Village Administrative Officer that the said Rajendiran was permitted to remove excess soil from the land to level it, and that permission was misused to take gravel and sand illegally.

6. According to the petitioner, no such right was ever given to Rajendiran, nor did she execute any lease agreement in his favour. The learned counsel for the petitioner further submitted that a bare comparison of the signatures found in the alleged lease agreement and in the genuine documents of the petitioner clearly shows material differences, which the trial Court failed to notice. When the petitioner herself has denied having executed any such lease agreement, the conduct of the proposed accused warrants proper investigation. However, the trial Court failed to issue any direction in this regard.



7. It is also seen that the original petitioner, Vimala, had already issued notices to all the concerned authorities, including the Revenue and Police officials, but no action was taken. Considering that the records relied upon by the proposed accused appear to be forged, a detailed investigation is required.

Therefore, this Court is inclined to set aside the findings of the trial Court and directs the respondent police to register an FIR and conduct a detailed investigation in accordance with law. There are prima facie materials in favour of the petitioner.

8. Accordingly, this Criminal Revision Case is allowed.

31-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
WEB COPY

- 1.The Sub inspector of Police
Vellore Taluk Police Station,
Vellore District.
- 2.The Superintendent of Police,
Vellore, District Vellore.
- 3.The Superintendent of Police,
Crime Branch, Vellore District.
- 4.The Public Prosecutor,
High Court of Madras, Chennai.



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T.V.THAMILSELVI J.
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