



CRL.R.C.No.1437 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL.R.C.No.1437 of 2024

Vimal Kumar Jain

... Petitioner

Vs

1.Mangilal

2.Meera Devi

3.Bharat

4.State represented by
The Inspector of Police,
D-3, Ice House Police Station,
Chennai.

... Respondents

PRAYER: Criminal Revision Case is filed under Section 397 of Cr.P.C., against the dismissal order passed by learned II Metropolitan Magistrate Egmore, Chennai in CRL.M.P.No.24824 of 2024 dated 13.06.2024, filed for direction to be given to the respondent to register a case, investigate and file a final report against Mangilal and 2 others.

For Petitioner : Mr.Ramesh Kumar Chopra

For Respondent : Dr.C.E.Pratab for R4
Government Advocate (Criminal Side)

ORDER



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This Criminal Revision Case filed under Section 397 of Cr.P.C., against the dismissal order passed by the learned II Metropolitan Magistrate Egmore, Chennai in CRL.M.P.No.24824 of 2024 dated 13.06.2024 and consequently direct the fourth respondent to register a case, investigate and file a final report against Mangilal and 2 others.

2. Brief facts of the case:

The complainant's father viz., Mr.Surajmal Ji was running a Pawn Broker Shop for several decades in the name of “Mittalal Sowcar” and Mr.Surajmal Ji had died on 07.01.2022. Due to the old age and health issues, the first accused Mangilal was appointed by the complainant's father to look after his business. Being an employee, the first accused was permitted to stay in the ground floor of rear portion of the building. After the death of his parents, when he and his brothers verified and checked the accounts and pledged articles, they shocked to know that 4 kilos of pledged gold ornaments missing and stolen by the first accused Mangilal along with one Guruprasad and the said Mangilal also stolen cash for worth about Rs.50 lakhs. Based on the complaint, the Police registered a case in Crime No.299 of 2023 and during the course of investigation Guruprasad was arrested and Mangilal surrendered after 3 months.

3.Heard learned counsel for the petitioner, learned Government



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Advocate (Criminal Side) appearing for the fourth respondent and perused the materials available on record.

4.Learned counsel for the petitioner submitted that the Trial Court erroneously held that main issue between the petitioner and respondents was landlord and tenant issue and the matter pertains to civil nature and had directed the petitioner to approach Civil Court for vacate the respondents from his premises and hence, the petition filed under Section 156(3) Cr.P.C., dismissed the petition as not maintainable, is erroneous and unsustainable. Hence, he prayed to set aside the order.

5.Learned counsel for the petitioner further submitted that the petitioner is very much requires the entire portion of the premises to run his business peacefully and illegal occupation of the accused may be removed.

6.On perusal of the records, it is seen that the FIR was registered against the accused in Crime No.299 of 2023 before Ice House Police Station for the offence under Sections 381, 465, 468, 109 IPC and the case is still pending under investigation and a C.S.R.No.65 of 2024 was also issued by the Police Station, Ice House. According to the petitioner, the first accused was removed



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from the service. However, the accused refused to vacate the premises which

was illegally occupied. This Court is of the view that the Trial Court has failed

to take note of the above fact.

7.Considering facts and circumstances of the case and the submission made by the learned counsel for the petitioner, the order passed by the learned II Metropolitan Magistrate Egmore, Chennai in CRL.M.P.No.24824 of 2024 dated 13.06.2024 is set aside and the Criminal Revision Petition is allowed.

8.The fourth respondent/Police is directed to investigate the matter in the manner known to law within a period of two weeks from the date of receipt of a copy of this order.

02.09.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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WEB COPY

- 1.The II Metropolitan Magistrate Egmore,
Chennai.
- 2.The Inspector of Police,
D-3, Ice House Police Station,
Chennai.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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T.V.THAMILSELVI, J.

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