



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 1865 of 2025

1. Thomas Barnabas
S/o.Pethru, LN-2, Lyods Colony,
Royapet, Chennai - 600 014

Petitioner(s)

Vs

1. The State Rep By Its,
The Inspector of Police, C-5 Oragadam
Police Station, Kanchipuram, District.

2.Sankara Narayanan
S/o.Rathinagopal, No.3/2,
Ramamandiran Street, Villivakkam,
Chennai - 600 049.

Respondent(s)

PRAYER

Criminal Revision case filed under Section 438 r/w 442 of BNSS, 2023, to set aside the Impugned Order Dated 30.06.2025 passed in Crl.M.P.No.5708 of 2024 on the file of Judicial Magistrate, Sriperumbadur and consequently direct the 1st respondent to register the complaint dated 27.05.2024.

For Petitioner(s): M/s.S.Veeraraghavan

For R1: Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioner has filed this revision to set aside the Impugned Order
Dated 30.06.2025 passed in Crl.M.P.No.5708 of 2024 on the file of Judicial



Magistrate, Sriperumbadur and consequently direct the 1st respondent to register the complaint dated 27.05.2024.

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2. Challenging the impugned order passed by the Trial Court, the petitioner submits that although there was a counter-case arising out of the same occurrence and the complaint given by the accused was taken on file, the complaint lodged by the petitioner was not taken on file by the police. Hence, he preferred a private complaint under Section 156(3) Cr.P.C. However, the Trial Court failed to properly appreciate the facts of the case and erroneously dismissed the petition. Aggrieved by the same, the petitioner seeks to set aside the findings of the Trial Court.

3. The learned counsel for the petitioner submits that on the date of the occurrence, the respondent also issued criminal threats to the petitioner. Accordingly, the petitioner lodged a complaint, but the same was not taken on file by the police.

4. Per contra, the learned Government Advocatae (Crl.Side) raised objections, stating that on the date of occurrence, the petitioner had encroached upon the land, as revealed by the report of the Revenue Divisional Officer (RDO). He further contended that the petitioner and others had already availed



anticipatory bail in connection with the incident and that no complaint regarding any alleged threat was raised at that time. Further, it was pointed out that a civil suit in O.S. No.29 of 2024 is pending on the file of the District Munsif Court, Sriprumbadur, filed by the wife of the petitioner with respect to the very same property in dispute.

5. According to the respondent police, there exists a land and shed dispute between the parties, and the petitioner, who is a practising advocate, along with his wife, had encroached upon the shed. Consequently, the dispute arose on the date of the occurrence.

6. A perusal of the prima facie report of the RDO also reveals that the petitioner had encroached upon land belonging to one Sankaranarayanan. Since the land in dispute is already the subject matter of a civil suit pending before the Civil Court, the findings of the Trial Court do not warrant any interference.

7. Accordingly, this Criminal Revision Case is dismissed.

26-09-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
rri



To

1. The State Rep By Its,
The Inspector of Police, C-5 Oragadam
Police Station, Kanchipuram, District.

2. Sankara Narayanan
S/o. Rathinagopal, No.3/2,
Ramamandiran Street, Villivakkam,
Chennai - 600 049.

3. The Judicial Magistrate,
Sriperumbadur.



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T.V.THAMILSELVI J.
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