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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2025

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.A.No.1536 of 2025

Mrs. Chitra

... Petitioner

Vs.

State Rep by
The Station House Officer,
CBCID Police Station,
Puducherry
(Crime No.04/2015)

...Respondent

PRAYER : This petition is filed under Section 397 and 401 of CrPc to set aside the order dated 03.02.2024 made in Crl.M.P.No.278 of 2024 in Crime No.04 of 2015 on the file of the learned Chief Judicial Magistrate Court at Puducherry.

For Appellant

:Mr.B. Ravichandran

For Respondent

:Mr.K.S.Mohandass,

Public prosecutor(Pondicherry)

ORDER

This Criminal Appeal has been filed to set aside the order dated 03.02.2024 made in Crl.M.P.No.278 of 2024 in Crime No.04 of 2015 on the file of the learned Chief Judicial Magistrate Court at Puducherry.

2. The facts of the case is that multiple documents have been registered



with respect of the subject property. One document was registered on 26.02.2022 before the Sub Registrar, Villianur, Puducherry as document No.1821 of 2002 from one Pasupathy to one Murugan/first plaintiff in O.S.No.2714 of 2021. Another document was registered on 28.08.2022 in document No.1831 of 2002 by one Velu/first defendant in O.S.No.2714 of 2021 to the petitioner herein. On the strength of the document dated 28.08.2022 the first defendant/velu had executed a settlement deed in Document No.5020 of 2011 in the office of the Sub Registrar, Villianur on 16.02.2011. With regard to the said issue a suit was also filed in O.S.No.2714 of 2021 before the Principal District at Puducherry. The sum and substance of the case is that the petitioner herein has filed a petition in learned Judicial Magistrate Court at Puducherry under Section 452 of Cr.P.C to return the petition mentioned original document No.1831 of 2002 and the same was dismissed, which has given rise to this Appeal.

3. The learned counsel for the petitioner submits that the case is purely civil in nature but it was given into criminal colour. Further the defacto complainant already filed a civil suit with regard to the same issue and the same was pending. He further submits that the learned Judge without appreciating the said facts has dismissed the petition. Hence, prays to allow this Appeal.



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4. The learned Public prosecutor appearing for the respondent submits that the said document is required for the investigation purpose, due to which the learned Judge has rightly dismissed the Criminal Miscellaneous petition filed by the petitioner. Hence, prays to dismiss this Appeal.

5. On a perusal of the impugned order reveals that the learned Judge has held that the petitioner seeking this Court to return the document which was registered as Document no. 1831 of 2022, by claiming that the complaint which was filed against them closed as mistakes of facts by the investigation officer. But the said reason is not correct, rather the investigation officer after filed negative report, the defacto complainant filed a protest petition in which further investigation is ordered and the investigation officer intended to refer the documents to CSFL, thus dismissed the petition.

6. This Court finds no reason to interfere with the impugned order as the learned Judge has taken into consideration all the aspects and rightly concluded that the said document is necessary to get CSFL opinion and passed the order.

7. For the reasons stated above this Criminal Appeal stands dismissed.



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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To.

1. The Station House Officer,
CBCID Police Station,
Puducherry

2. The Chief Judicial Magistrate Court at Puducherry.

T.V.THAMILSELVI, J.

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