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Crl.R.C.No.1614 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2025

CORAM:

**THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI**

**Crl.R.C.No.1614 of 2025**

Mrs.A.Kalavathy

.... Petitioner

Vs

1.The Commissioner of Police,  
Tambaram City, Chennai.

2.The Assistant Commissioner of Police,  
Selaiyur Range, Chennai - 600 059.

3.The State rep. by:  
Inspector of Police,  
Selaiyur Police Station,  
Chennai - 600 059.

.... Respondents

**PRAYER:** Criminal Revision Case filed under Section 438 & 442 of BNSS, 2023, to set aside the impugned order dated 27.06.2025 passed by the learned Judicial Magistrate No.II, Tambaram in Crl.M.P.No..2377 of 2024 and consequently direct the 3rd respondent police to register the FIR and conduct a fair and proper investigation and file a report after issuing notice to the petitioner.



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Crl.R.C.No.1614 of 2025

For Petitioner : Mr.N.Elayaraja

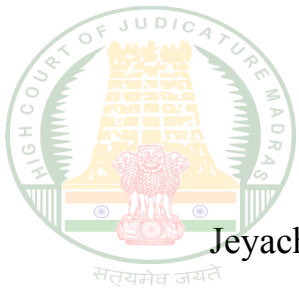
For Respondents : Dr.C.E.Pratap  
Government Advocate (Crl. Side)

### **ORDER**

This Criminal Revision Case is filed to set aside the impugned order dated 27.06.2025 passed by the learned Judicial Magistrate No.II, Tambaram in Crl.M.P.No.2377 of 2024 and direct third respondent police to register FIR, conduct a fair and proper investigation and file a report after issuing notice to the petitioner.

2.Learned counsel for the petitioner submitted that the petitioner filed a Criminal Miscellaneous Petition in Crl.M.P.No.680 of 2024 under Section 156(3) of Cr.P.C., to direct the first respondent therein to file FIR against the accused and in turn, the first respondent was directed to file a report and no action has been taken so far.

3.According to the petitioner, on 01.04.2011, she paid the deficit stamp fee of Rs.48,357/- and obtained patta in her favour. She initially filed a petition to register FIR against the accused viz., Vinayagamoorthy, V.Sampath, K.V.Mohan, G.Selvam, D.Dhanapal, Rajendran, Maheswari and



Crl.R.C.No.1614 of 2025

WEB COPY

Jeyachandran stating that the proposed accused created forged documents and trespassed into her property and threatened to kill them and uprooted the stone pillars and had affixed in the subject property.

4.It is submitted by the learned Government Advocate (Criminal Side) for the respondents Police that the accused viz., Mr.Vinayaga Moorthy, Mr.V.Sampath and Mr.K.V.Mohan had died 3 years back and Mrs.Manjula is sick. The Power Agent viz., Mr.Mohan sold a subject property to the petitioner on 07.11.1997 vide Document No.4892/1997 and the same was pending for deficit of stamp fee. Further, on 29.10.2001, the said Mohan cancelled the sale deed vide Document No.5443 of 2001 and again sold the subject property to one Selvam vide Document No.5445 of 2001. Subsequently, on 28.03.2007, the said Selvam sold a property to one Rajendran vide Document No.3393 of 2007 on 28.03.2007. After the demise of Rajendran, his legal heirs viz., Mrs.Maheswari and Mrs.Meenambika are in possession of the property.

5.Heard learned counsel for the petitioner, Government Advocate (Criminal Side) for the respondents and perused the materials available on



Crl.R.C.No.1614 of 2025

WEB COPY

6.On perusal of records, it is seen that the Trial Court held that since the proposed accused viz., Maheswari and Meenambikai also has title in their favour, the question of trespass will not arise in this case on hand and the proposed accused are the end purchase holders and the title for the subject property has to be decided by the civil forum. Further, the Trial Court held that the dispute is purely civil in nature and the petitioner is casting criminal colour to the civil dispute and that no cognizable offences are made out and accordingly, dismissed the petition.

7.Considering the above facts and circumstances of the case and submission made by the learned counsel on either side, this Court does not find any grounds to interfere with the order passed by the Judicial Magistrate No.II, Tambaram in Crl.M.P.No.2377 of 2024 dated 27.06.2025 and accordingly, this Criminal Revision is dismissed.

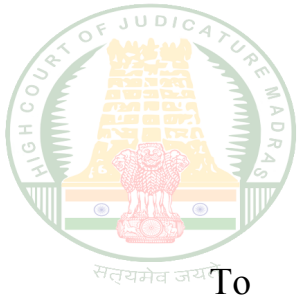
8.As the dispute involved in this case is civil in nature, the revision petitioner is granted liberty to approach the civil court to redress her grievance.



Crl.R.C.No.1614 of 2025

02.09.2025

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Index : Yes/No  
Neutral citation : Yes/No  
Speaking/non-speaking order  
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Crl.R.C.No.1614 of 2025

To  
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- 1.The Judicial Magistrate No.II,  
Tambaram.
- 2.The Commissioner of Police,  
Tambaram City, Chennai.
- 3.The Assistant Commissioner of Police,  
Selaiyur Range, Chennai - 600 059.
- 4.The Inspector of Police,  
Selaiyur Police Station,  
Chennai - 600 059.
- 5.The Public Prosecutor,  
High Court of Madras.



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Crl.R.C.No.1614 of 2025

**T.V.THAMILSELVI, J.**

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Crl.R.C.No.1614 of 2025

02.09.2025