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Crl.R.C No.1404 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 13.08.2025

CORAM:

**THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN**

Crl.R.C No.1404 of 2025

R.Abdul Samad

... Petitioner

..Vs.

1.Silambarasan

2.Senthil

... Respondents

**Prayer:** This Criminal Revision Petition is filed under Section 438 of BNSS Act, to set aside the order dated 28.06.2024 passed by the Judicial Magistrate No.II, Kallakurichi in Crl.M.P No.1044 of 2024 by allowing the same.

For Petitioner : Mr.K.Varsha

**ORDER**

This revision has been filed as against the order dated 28.06.2024 passed in Crl.M.P No.1044 of 2024 by the Judicial Magistrate No.II, Kallakurichi, thereby dismissed the complaint filed under Section 200 of Cr.P.C.

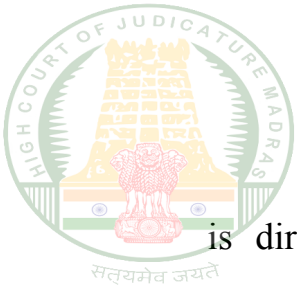


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2. On perusal of the complaint lodged by the petitioner revealed that on 09.12.2023 at midnight, the accused along with some rowdies joined together and destroyed the complainant plantation through JCB. On the very next morning i.e on 10.12.2023, the petitioner lodged a complaint. However, there was no action and as such, the petitioner was constrained to file a private complaint which was also dismissed on the ground that the petitioner has failed to produce any documents to show that the land belonged to the petitioner. As seen from the records, the petitioner is the owner of the property to an extent of 3.16 acres comprised in Survey No.49/2 situated at Periyamambattu Village, Kallakurichi Taluk, Kallakurichi District. Therefore, the learned Magistrate ought not to have dismissed the complaint on the ground that the petitioner failed to produce any document to prove his ownership of the subject land. In view of the above, this Court is inclined to set aside the order passed by the trial Court.

3. Accordingly, the order dated 28.06.2024 passed in Crrl.M.P No.1044 of 2024 by the Judicial Magistrate No.II, Kallakurichi is set aside. The Sub Inspector of Police, Thiyaadurugam Police Station



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is directed to conduct an enquiry on the complaint lodged by the petitioner, and if any cognizable offence is made out against the accused, register a FIR and proceed with the investigation.

4. In the result, this Criminal Revision Case stands allowed.

**13.08.2025**

Index: Yes/No  
Internet: Yes/No  
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To

The Judicial Magistrate No.II, Kallakurichi

2.The Sub Inspector of Police

Thiyagadurugam Police Station.

**G.K.ILANTHIRAIYAN,J**  
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