



WEB COPY



Crl.R.C.No.1864 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2025

CORAM:

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

Crl.R.C.No.1864 of 2024

Madurai Ilavarasan

.... Petitioner

Vs

1.State Rep. by
The Inspector of Police,
Mangadu Police Station,
Chennai.

2.Mrs.Rajamaheswari

3.Mr.Thallur Joshva Daniel

4.Mr.Ramesh

5.Mrs.G.S.Shanthi
(R2 to R5 impleaded as per order dated 05.12.2024
in Crl.M.P.No.17214 in Crl.R.C.No.1864 of 2024)

.... Respondents

PRAYER: Criminal Revision Case filed under Section 438 R/w. 442 of BNSS, against the order dated 07.11.2022 made in Crl.M.P.No.3989 of 2022, on the file of Judicial Magistrate, Sriperumbudur.



WEB COPY



Crl.R.C.No.1864 of 2024

For Petitioner : Mr.V.Manimaran

For Respondents : Dr.C.E.Pratap for R1
Government Advocate (Criminal Side)

Mr.Ma.Mathew Berchmans for R2 to R5

ORDER

This Criminal Revision Case is filed to set aside the order dated 07.11.2022 made in Crl.M.P.No.3989 of 2022, on the file of Judicial Magistrate, Sriperumbudur.

2The brief facts of the case are as follows:

(i).According to the petitioner, he is residing in the rental house, the said house belonged to one Raja Maheswari. The petitioner herein approached the said landlord and executed a lease agreement with her dated 20.02.2019 for a consideration of Rs.5,00,000/-. Pursuant to the said lease, the petitioner peacefully residing in the said property without any hindrance and had not any adverse remarks from the landlord as well as neighbours. Thereafter, the landlord intended to vacate the petitioner's family illegally without following the due process of law as well as without paying the lease amount to the petitioner.



(ii).According to the petitioner, he went to Madurai for treatment. At

the time, the landlord taking advantage of the absence of the petitioner illegally trespassed into the petitioner's house and took Rs.5,00,000/-, 15 sovereign jewels and household articles etc.

3.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. The learned Judicial Magistrate ought to have seen that the petitioner's wife filed a complaint immediately after the event took place, whereas the respondent Police not even given CSR for the same, which would clearly show that the colluded act of the respondent with the landlord. The learned Judicial Magistrate failed to see that the respondent Police did not even take any action after filing of the complaint. He further submitted that the respondent ought to have taken action towards the missing of money and valuable things in the petitioner's house and the landlord ought to be made as one of the suspects in the said case. Hence, he prayed to allow the criminal revision.



Crl.R.C.No.1864 of 2024

4.Learned counsel for the respondents 2 to 5 submitted that the petitioner handed over the possession to the respondents in turn the respondents have paid a sum of Rs.5,65,000/- to the petitioner vide receipt dated 06.03.2022.

5.Heard learned counsel for the petitioner, learned Government Advocate (Criminal Side) for the first respondent, learned counsel for the respondents 2 to 5 and perused the materials available on record.

6.On perusal of records, it is seen that the Trial Court held that the petitioner filed a suit in O.S.No.44 of 2020 before the District Civil Court, Sriperumbudur and the same is stated to be pending. Though the remedy is available before the Civil Court, the petitioner filed a case for criminal action is not acceptable. Further, the Trial Court held that there was no specific averments with regard to theft made by the respondents and with regards to dispute between the parties already the suit is pending before the Civil Court and dismissed the petition as not maintainable.



Crl.R.C.No.1864 of 2024

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, Sriperumbudur in Crl.M.P.No.3989 of 2022 dated 07.11.2022 and accordingly, this Criminal Revision is dismissed.

15.09.2025

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

To

- 1.The Judicial Magistrate,
Sriperumbudur.
- 2.The Inspector of Police,
Mangadu Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.R.C.No.1864 of 2024

T.V.THAMILSELVI, J.

pam

Crl.R.C.No.1864 of 2024

15.09.2025

6/6