



Crl.R.C.No.2241 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.2241 of 2023

C.Kamaladurai @ Victor Kamaladurai

... Petitioner

..VS..

1. The Inspector of Police (Crime),
S.11, Tambaram Police Station,
Muthulingam Street, Tambaram,
Chennai – 600 045.

2. Thangadurai

3. Asa

4. Nirmala

... Respondents

Criminal Revision Case filed under Sections 397 and 401 Cr.P.C., to set aside the order dated 17.07.2023 in Crl.M.P.No.928 of 2023 on the file of the Judicial Magistrate No.I, Tambaram and allow the petition under Section 156(3) Cr.P.C., filed by the petitioner seeking a direction to register his complaints by allowing this Criminal Revision.



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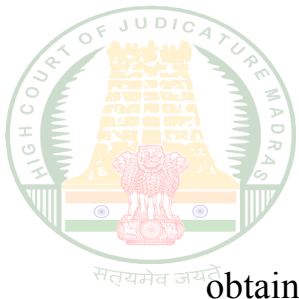
WEB COPY For Petitioner : Mr.C.Prabhu

For Respondents : Mrs.G.V.Kasthuri
Additional Public Prosecutor for R1

ORDER

This Criminal Revision Petition is filed against the order dated 17.07.2023 passed in Crl.M.P.No.928 of 2023 on the file of the Judicial Magistrate No.I, Tambaram.

2. According to the petitioner, the second respondent colluded with respondents 3 and 4 and had forcibly obtained the property bearing S.No.337/1A/11B, B2, measuring an extent of 2697 sq.ft., situated at Patel Nagar Main Road, Tambaram from one Nalinabai Premkumar, who is a chronic mentally ill person (suffering from Schizophrenia), *vide* settlement deed Doc.No.44 of 2022 dated 04.01.2022. Thereafter, the second respondent settled half portion of the said property in favour of the third respondent, *vide* Doc.No.500/2022 dated 25.01.2022 on the file of the Sub Registrar Office, Tambaram. The said Nalinabai is none other than the sister of the petitioner and the second respondent. After



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obtaining the said property, respondents 2 to 4, had thrown out the said Nalinabai from the house and she was abandoned. It is further stated that originally, the said property was settled in favour of the said Nalinabai, *vide* settlement deed Doc.No.3642/2022 on 04.07.2022 by the petitioner's father J.P.Chelladurai at Sub Registrar Office, Tambaram. As per the said settlement, after the death of Nalinabai, the subject property goes to her younger brother, the petitioner herein, since she is a spinster. Hence, the petitioner lodged a complaint dated 01.04.2023 to the first respondent-Police. Since no action has been taken, the petitioner has given a representation dated 06.05.2023 to the Assistant Commissioner of Police, Tambaram, Chennai. However, as no response was forthcoming, the petitioner preferred a complaint under Section 156(3) Cr.P.C., before the Judicial Magistrate No.I, Tambaram, seeking a direction to register his complaints. The learned Judicial Magistrate No.I, Tambaram, *vide* order dated 17.07.2023 dismissed the petition. Challenging the same, the present petition has been filed by the petitioner.

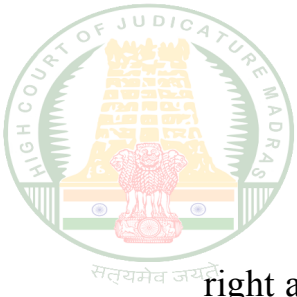


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3. Learned counsel for the petitioner submitted that though the learned Magistrate, while dismissing the petition, observed that, as the dispute arose by the petitioner entreaty in nature, as no cognizable offence made out and moreover, as the alleged cause of action had arisen in Bangalore. Originally, upon cheating, the second respondent left the said Nalinabai outside the apartment of the petitioner and that the victim was abandoned in Bangalore. However, the offence of cheating and dishonestly inducing delivery of property, happened at Tambaram and documents i.e., settlement deeds were said to have been executed only in Tambaram Sub Registrar Office, Chennai and that the cause of action arose only within the jurisdiction of Tambaram. The learned Magistrate failed to understand the case and misconstrued the facts and dismissed the petition.

4. Learned Additional Public Prosecutor appearing for the first respondent-Police, on instructions, submitted that it is a dispute between the brothers and sisters regarding execution of the settlement deeds and

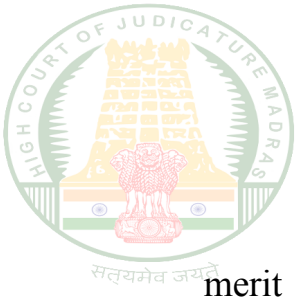


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right and power of the sale deed and the same can be decided only by the Civil Court.

5. It is the contention of the learned counsel for the petitioner that A1 to A3 – respondents 2 to 4 herein knowing well that the settlee is suffering from chronic mental illness (Schizophrenia), forced her to execute the settlement deed in respect of the subject property. However, the petitioner has not produced the documents to prove the disability of the settlee and the documents, which were produced by the petitioner, are not the documents issued by the competent authority. However, the dispute arose between the parties is regarding the execution of settlement deeds, which is a civil dispute and in this regard a civil suit is pending before the competent Court. As to whether the settlor/settlee are having power to execute the settlement deeds or not can be decided only before the Civil Court and also as to whether A3 or Nalinabai, who is suffering from Schizophrenia can be decided only before the Civil Court by recording evidence. Therefore, this Court is of view that the petitioner has tried to give criminal colour to the civil dispute and hence, there is no



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merit in this revision petition and the same is liable to be dismissed.

However, the petitioner is at liberty to work out his remedy in the manner known to law before the competent civil Court.

6. In view of the above, this Criminal [Revision Petition is dismissed.

12.03.2025

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

1. The Judicial Magistrate No.I,
Tambaram.
2. The Public Prosecutor,
High Court, Madras.
3. The Inspector of Police (Crime),
S.11, Tambaram Police Station,
Muthulingam Street, Tambaram,
Chennai – 600 045.



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P.VELMURUGAN, J.

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