



CrI.R.C.No. 152 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.R.C.No. 152 of 2025

M. Ganapathi
S/o. Marimuthu

... Petitioner

Vs

1. Murugesan
2. Easwari
3. Sathya
4. Arun Kumar
5. Varadharajan
6. The Inspector of Police,
Chinnasalem Police Station,
Chinnasalem Taluk,
Kallakurichi District.

... Respondents

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of Cr.PC and 438 r/w 442 of BNSS, to set aside the judgment passed in CrI.M.P.No.1670 of 2024 dated 01.07.2024 on the file of Judicial Magistrate NO. II, Kallakurichi and to direct the 6th respondent to investigate the complaint filed by the petitioner dated 23.04.2024 and file a final report in accordance with law.

For Petitioner : Mr. S.Ramajayam
For Respondent :



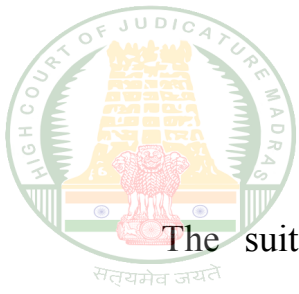
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ORDER

This Criminal Revision has been filed to set aside the judgment passed in CrI.M.P.No.1670 of 2024 dated 01.07.2024 on the file of Judicial Magistrate No. II, Kallakurichi and to direct the 6th respondent to investigate the complaint filed by the petitioner dated 23.04.2024 and file a final report in accordance with law.

2. The petitioner is the owner of agricultural land situated in Survey Nos. 68/2, 68/2A, 68/2B, 68/2C, 68/2D, 68/2E, 68/2F and 68/2G, in Moongilpadi Village, Chinnasalem Taluk, Kallakurichi District, purchased under a registered sale deed bearing Document No.6999 of 2023 dated 20.11.2023. The said property originally belonged to one Pachaiyammal, who, under a registered settlement deed bearing Document No.1342 of 1983 dated 08.07.1983, settled the same in favour of her daughter, Muniyammal @ Mulliyammal. When certain persons namely, Senkodagownder, Chinnasamy, Srinivasan, Ramasamy, Venkatachalam, Kaliyaperumal and Silambayee attempted to grab the said property by creating forged documents, Pachaiyammal and Muniyammal @ Mulliyammal filed a civil suit in O.S.No.1107 of 1991 before the District Munsif Court, Kallakurichi, seeking declaration and recovery of possession.



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The suit was decreed in their favour, and possession was delivered to

Muniyammal @ Mulliyammal through Court Amin on 13.11.1995 in E.P.No.169 of 1993. Subsequently, Muniyammal @ Mulliyammal died on 22.09.2020, and her husband Subramanian had predeceased her on 08.01.1995, leaving their son Kuppusamy as the sole legal heir. The said Kuppusamy conveyed the property to the petitioner under the aforesaid sale deed in Document No.6999 of 2023, and Patta No.2356 also stands in the name of the petitioner, who is presently in enjoyment and cultivation of the land.

3. It is the case of the petitioner that, without the knowledge of either himself or his vendor, the accused Nos.1 to 5 jointly fabricated a fraudulent sale deed dated 20.03.2023 in respect of the petitioner's property, and by suppressing the decree passed in O.S.No.1107 of 1991 and the delivery of possession in E.P.No.169 of 1993, he filed a civil suit in O.S.No.324 of 2024 before the Sub Court, Kallakurichi, The petitioner came to know of the fraudulent sale deed only upon obtaining a certified copy of the plaint dated 06.04.2024 in the said civil suit.



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4. The petitioner lodged a complaints before the respondent police on 23.04.2024 and 10.05.2024 with all documents, since no action was taken by the police, the petitioner preferred a petition before trial Court in Crl.MP. No. 1670 of 2024 for a direction to the respondent police to register an FIR, investigate and to file final report. The trial Court by order dated 01.07.2024 dismissed the said petition citing civil suit is pending and the case is purely civil in nature. Aggrieved by the said order, the petitioner has preferred the present criminal revision.

5. Admittedly, in the present case, the allegations made by the petitioner clearly disclose the commission of cognizable offences under Sections 420, 406, 417, 467 and 468 of the IPC. Despite lodging a complaint dated 23.04.2024 before the jurisdictional police and subsequently submitting a representation dated 10.05.2024 under Section 154(3) Cr.P.C. to the higher police authorities by the petitioner, no action has been taken and the matter has been unnecessarily dragged on by directing the petitioner from one office to another. The law is well settled that when a complaint discloses commission of a cognizable offence, the police is duty bound to register a First Information Report under Section 154(1) Cr.P.C. and proceed with investigation.



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6. In view of the above factual position and the failure on the part of the police to act upon the complaint, this Court directs the 6th respondent police to register an FIR on the basis of the petitioner's complaint dated 23.04.2024 and proceed with the investigation in accordance with law.

7. With the above direction, the Civil Revision Case is disposed of.

20.08.2025

Index : Yes/No
Neutral citation : Yes/No
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To

1.The Judicial Magistrate No.II, Kallakurichi.

2.The Inspector of Police,
Chinnasalem Police Station,
Chinnasalem Taluk, Kallakurichi District.

3. The Public Prosecutor, Madras High Court,



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G.K.ILANTHIRAIYAN, J.

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