



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 1796 of 2025

1. Samannan @ Anaigounder,
S/o. Munusamy Gounder @
Muthusamy Gounder, Reddiyar Valavu,
Adaiyur Village, Edapadi Taluk, Salem
District.

Petitioner(s)

Vs

1. The Superintendent of Police
Salem District, Salem.

2.The Inspector of Police
Poolampatti Police Station, Salem
District.

3.Veeramani,
S/o.Late Munusamy, Sadaiyan Valavu,
Iruppali Village, Edappadi Taluk,
Salem District.

4.Sathasivam
S/o.Late Munusamy, Sadaiyan Valavu,
Iruppali Village, Edappadi Taluk,
Salem District.

5.Ravi,
S/o.Late Munusamy, Sadaiyan Valavu,
Iruppali Village, Edappadi Taluk,
Salem District.

6.Balu
S/o. Madesh, Naikari Valavu,



Ammankovil, Iruppali Village,
Edappadi Taluk, Salem District.

7.Gowrisankar
S/o. Madesh, Sadaiyan Valavu,
Iruppali Village, Edappadi Taluk,
Salem District.

8.S.Srinivasan
Sub Registrar (retied) Tharamangalam,
Omalur Taluk, Salem District.

9.R.Vennila
Sub registrar, Jalakandapuram Sub
registrar Office, Mettur Taluk, Salem
District.

10.Kamala
W/o. Late Munusamy, Ramagoundanur
Sadaiyan Valavu, Iruppali Village,
Edappadi Taluk, Salem District.

11.Rajammal
W/o. Madesh, Neikaivalavu, Edappadi
Taluk, Salem District.

12.Thangamani
W/o. Rajamanikkam, No.2/2-6,
Mahapurai Garden, Gotarampalayam,
Perumanallur, Tiruppur district.

13.Chandrasekaran
S/o. Chinnaiyagoundar,
Ariyampaalayam, Settimangurichi,
Edappadi Taluk, Salem District.

14.Raja
s/o. Mathaiyan, Sathiyanagar,
Avdaththur Village, mettur Taluk,
Salem District.

Respondent(s)



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PRAYER

To set aside the order passed in CrI.MP.no.697/2024 dated 07.08.2024 on the file of Judicial Magistrate Court, Edapadi and Subsequently direct the 2nd respondent to register the petitioners complaint dated 26.12.2023 and the investigate the same in accordance with the law.

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For Petitioner(s): C.Deepakkumar
P.Hasnah

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

ORDER

This Criminal revision case has been filed to set aside the order passed in CrI.MP.no.697/2024 dated 07.08.2024 on the file of Judicial Magistrate Court, Edapadi and Subsequently direct the 2nd respondent to register the petitioners complaint dated 26.12.2023 and the investigate the same in accordance with the law.

2. The brief facts of the case:

On 09.09.1981, the petitioner and his brother namely Ponnusamy were jointly purchased the property from one Munusamy Gounder admeasuring to an extent of 1.25 cents in survey no.310/4 at Aadaiyur village, Mettur Taluk, Salem District by executing registered sale deed vide Doc. No. 1470/1981 on the file of the Jalagaandapuram Sub- Registrar Office. After purchasing the aforesaid property, the petitioner and his brother were in continuous possession



of the aforesaid property. Further the petitioner also owned a property comprised in survey No. 310/2 to a extent of 71 1/4 Cents at Aadaiyur village, Mettur Taluk, Salem District was allotted to the petitioner through patta. Similarly petitioner's brother also owned a property comprised in survey No. 310/2 to a extent of 25 Cents at Aadaiyur village, Mettur Taluk, Salem District was allotted to the petitioner through patta. Thereafter on 1990 during the lifetime of the petitioner's brother Ponnusamy, a verbal partition took place between the petitioner and the petitioner's brother Ponnusamy were equally divided the aforementioned property comprised in survey no.310/4 at Aadaiyur village, Mettur Taluk, Salem District that 62 ½ cents for the aforementioned property. Further till date the petitioner and his bothers the legal heirs were enjoying the aforesaid property.

3. The Petitioner submits that the sons of late Munusamy, namely Veeramani, Sadasivam, and Ravi (Respondents 3 to 5), have fraudulently taken advantage of the similarity of names between their father Munusamy and the Petitioner's father Munusamy Gounder. By impersonating their father Munusamy, they unlawfully claimed inheritance rights and deceitfully included the Petitioner's land in their partition. On this pretext, they executed and fraudulently registered a false Partition Deed, vide Document No. 5620/2023, on the file of the Jalakandapuram Sub-Registrar Office, dated 29.02.2023, which purported to deal with the property rightfully belonging to the Petitioner



and his brother's son, Theerthagiri. Thereafter, on 24.12.2023, at about 6.00 p.m., when the Petitioner and his brother's son Theerthagiri confronted Respondents 3 to 5 regarding the aforesaid fraudulent Partition Deed and requested them to cancel the same, the Respondents not only refused but also abused the Petitioner and Theerthagiri in filthy language. Further, they criminally intimidated the Petitioner by threatening to kill him if he either pressed for cancellation of the said document or lodged a complaint regarding the same. Subsequently, the petitioner lodged a online complaint to the first respondent police on 26.12.2023 an the same was forwarded to the second respondent police. Even after receiving the complaint the respondent police refused to register the case. Thereafter, the petitioner filed a private complaint before the Judicial Magistrate Court, Edapadi in CMP No. 697 of 2024 and the same was dismissed by the Trial court holding that already there is civil dispute between the parties in OS No. 79 of 2023, therefore, directed the petitioner to work out the remedy before the Trial Court and also held that the civil dispute cannot be converted into criminal proceedings. Against which the petitioner filed this Criminal Revision Case.

4. The learned counsel for the petitioner submits that in order to grab the petition mentioned property the accused persons created illegal legal heir certificate and release deed dated 27.07.2023 by impersonation. Hence, it requires detailed investigation by the respondent police but the Court below



dismissed the complaint lodged by the petitioner.

5. Heard the submission of the learned counsel for the petitioner and the learned Government Advocate (Crl. Side).

6. On perusal of records, it reveal that out of 1.25 cents, 0.60 ½ cents in survey No.310/4 at Aadaiyur village, Mettur Taluk, Salem District, in the name of the the petitioner, which was jointly purchased by the petitioner by executing registered sale deed vide Doc. No. 1470/1981 on the file of the Jalagaandapuram Sub- Registrar Office and also owned property in Survey No. 310/2 and 310/4. But vide document dated 29.09.2023 the accused persons executed a partition deed. Hence, the petitioner lodged a private complaint before the Trial court to register FIR against accused persons who allegedly created said deed by fabrication of records and impersonation. On perusal of records, it reveals that there is prime facie case made out against the accused persons it needs detailed investigation. However, the Trial Court without considering the facts of the case, instead of directing to register the FIR, erroneously directed the petitioner to approach Civil Court as such is erroneous and liable to be set aside. Accordingly, order dated 23.10.2024 passed in Crl.MP. No.697/2024 is hereby set aside. Further, the 2nd respondent police is directed to register FIR and complete the investigation as early as possible.



7. In the result, this Criminal Revision Case is disposed of.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Judicial Magistrate Court, Edapadi.

2. The Inspector of Police,
Poolampatti Police Station,
Salem District.

3. The Public Prosecutor, High court, Madras.



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T.V.THAMILSELVI J.
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