



CrI.R.C.No.2239 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.R.C.No.2239 of 2023

Velappa Gounder

..... Petitioner

Vs

1.Sudharsan
2.Priyanka
3.Senthamarai
4.Ramasamy
5.Sivakumar
6.Chellammal
7.Gomathy

..... Respondents

PRAYER:

Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C.,
praying to set aside the order dated 27.10.2023 passed in CMP.No.1323 of 2023
by the learned Judicial Magistrate, Sendamangalam and direct the Inspector of
Police, Sendamangalam Police Station to register the petitioner's complaint
dated 15.03.2023 into FIR, investigate into the offences committed by the
respondents.

For Petitioner : Mr.K.Chandrasekaran

For Respondents

For R1,2,4,5 & 7 : Mr.V.Sakkarapani

ORDER



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This Criminal Revision Case has been filed against the order dated

27.10.2023 passed in CMP.No.1323 of 2023 by the learned Judicial Magistrate, Sendamangalam, thereby dismissing the petition filed under Section 156(3) of Cr.P.C.

2. The petitioner lodged complaint alleging that he purchased the subject property comprised in survey No.164/2 to an extent of nearly 4 acres situated at Sendamangalam Village, Namakkal District by the registered sale deed dated 12.01.2005. After purchasing the said property, the fourth respondent filed suit for recovery of money against the petitioner's vendor in OS.No.12 of 2008 on the file of the Sub Court, Namakkal and the same was decreed in favour of the fourth respondent. Subsequently, he filed execution petition, thereby the property was attached without considering the earlier sale deed dated 12.01.2005 in favour of the petitioner herein. Therefore, the petitioner filed appeal and the same was also dismissed. Aggrieved by the same, he filed second appeal and it is pending before this Court. From the date of the sale deed dated 12.01.2005, the petitioner is in possession and enjoyment of the subject property. After demise of the petitioner's vendor, his legal heirs trespassed the said property and completely damaged the property by cutting trees. However, the learned Magistrate dismissed the petition sought for



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direction under Section 156(3) of Cr.P.C. concluding that the entire disputes are civil in nature and as such, no cognizable offence is made out.

3. Though the second appeal is pending, the petitioner is in possession and enjoyment of the subject property from the date of the sale deed. In fact, the fourth respondent, who is not a legal heir of the petitioner's vendor, filed suit for recovery of money, however the same has nothing to do with the property since at the time of purchase of the property, there was no suit pending and the property was not even attached by any proceedings. Therefore, the petitioner is the bonafide purchaser and he had purchased the subject property for valid sale consideration. Therefore, there are specific allegations against the accused to constitute offence for the occurrence took place on 10.03.2023.

4. In view of the above, the impugned order cannot be sustained and the same is liable to be set aside. Accordingly, the impugned order dated 27.10.2023 passed in CMP.No.1323 of 2023 by the learned Judicial Magistrate, Sendamangalam, is set aside. The Inspector of Police, Sendamangalam Police Station, Namakkal District is directed to register FIR on the complaint lodged by the petitioner and proceed with the investigation in accordance with law.

5. With the above direction, this criminal revision case stands



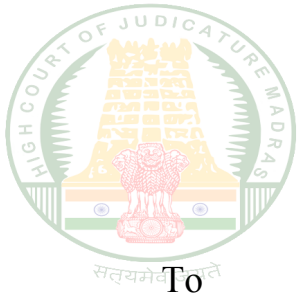
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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

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1.The learned Judicial Magistrate, Sendamangalam

2.Inspector of Police, Sendamangalam Police Station, Namakkal District

G.K.ILANTHIRAIYAN, J.

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