



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.10.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.R.C.No.2196 of 2025

Mrs.Parimaladevi @ B.Basumathy

...Petitioner

Versus

1.The Inspector General of Police,
North Zone, St.Thomas Mount,
Chennai – 600 016.

2.The Superintendent of Police,
Kancheepuram District.
Kancheepuram.

3.The Additional Superintendent of Police,
Kancheepuram District,
Kancheepuram.

...Respondents



This Criminal Revision Case is filed under Sections 438 & 442 of BNSS, 2023 praying to set aside the Order in CrI.M.P.No.751 of 2025 dated 30.06.2025 passed by the Judicial Magistrate No.II, Kancheepuram and allow the above Criminal Revision.

For Petitioner : Mr.G.V.Sridharan
For Respondents : Dr.C.E.Pratap,
Government Advocate (CrI.Side)

ORDER

This Civil Revision Case has been filed by the petitioner seeking to set aside the Order dated 30.06.2025 in CrI.M.P.No.751 of 2025 passed by the learned Judicial Magistrate No.II, Kancheepuram.

2. The brief facts of the case are that petitioner is an absolute owner of the following properties comprised in

(i) Survey No.750/3A measuring an extent of 0.21 Cents;



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(ii) Survey No.754 measuring an extent of 1.34 Acres;

(iii) Survey No.1487/3B measuring an extent of 0.09 Cents;

(iv) Survey No.1487/4B2 measuring an extent of 0.84 ½ Cents; and

(v) Survey No.1487/5B measuring an extent of 0.01 ½ Cents

situated at Old No.105, New No.42, Sriperumbudur Village. During the year 2003, petitioner had executed a Power of Attorney Deed in favour of his brother viz., Govardhan which was registered as Document No.16/IV/2003 on the file of Sub Registrar Office, Sriperumbudur.

3. In the year 2003, based on the aforesaid Power of Attorney Deed Document, petitioner's brother Govardhan had executed a Sale Deed dated 08.10.2004 in favour of his 3rd wife viz., Mrs.Shanthi. By way of said Sale Deed, petitioner's brother Govardhan had sold the petitioner's property comprised in Survey No.750/2A measuring an extent of 0.17 Cents in favour of his 3rd wife Mrs.Shanthi. However, the said property does not form part



of the Power of Attorney Deed executed by petitioner. Thereafter, petitioner's brother Govardhan and his 3rd wife Mrs.Shanthi had jointly sold the petitioner's property comprised in Survey No.750/2A measuring an extent of 0.17 Cents to various purchasers.

4. The petitioner came to know about the aforesaid sale transaction done by her brother Govardhan and Mrs.Shanthi W/o. Govardhan only in the year 2024. Therefore, immediately, petitioner gave a written complaint to 1st respondent Police on 04.11.2024 in this regard. Thereafter, petitioner vide Reminder dated 05.12.2024, requesting the 1st respondent Police to take necessary action against her brother Govardhan and Mrs.Shanthi W/o. Govardhan. Ultimately, this issue went to 3rd respondent Police. However, without conducting any enquiry, 3rd respondent Police decided that the issue is civil in nature and hence, petitioner has to work out her remedy before a Civil Forum. Subsequently, petitioner had filed a petition in C.M.P.No.751



of 2025 before the Judicial Magistrate Court No.II, Kancheepuram praying to direct the respondent Police to register his complaint dated 04.11.2024.

However, the learned Judicial Magistrate No.II, Kancheepuram vide Order dated 30.06.2025, dismissed the petition in C.M.P.No.751 of 2025. Aggrieved by the said order, petitioner has filed the present Criminal Revision Case.

5. The learned counsel for petitioner submitted that Trial Court has held in its findings that petitioner's brother Govardhan and his 3rd wife Mrs.Shanthi had done the alleged sale transaction in the year 2004, but, petitioner lodged the complaint only in the year 2024. It is submitted that in criminal law, limitation does not extinguish liability for serious offences involving fraud and misappropriation.

5.1. It is further submitted by the learned counsel for petitioner that in



the Overdraft Letter dated 14.03.2025 issued by 3rd respondent Police, it has been clearly stated that petitioner's brother Govardhan illegally sold the petitioner's property in favour of Mrs. Shanthi (3rd wife of Govardhan) without authority. The Trial Court has also agreed with the said observation of 3rd respondent Police.

5.2. The learned counsel for petitioner also submitted that 3rd respondent Police as well as the learned Trial Judge are erred in holding that the dispute is civil in nature and hence, petitioner has to approach a Civil Forum for setting aside the sale transaction. It is submitted that the illegal sale transaction done by the petitioner's brother and his 3rd wife constitutes cheating and forgery and thus, existence of a civil remedy does not bar criminal prosecution. Therefore, the learned counsel prayed that impugned order passed by the Trial Court may be set aside.



6. The learned Government Advocate (Crl.Side) appearing on behalf of respondents submitted that the learned Trial Judge has rightly dismissed C.M.P.No.751 of 2025 filed by petitioner by holding that the issue involved herein is civil in nature. Therefore, the impugned order passed by the learned Trial Judge does not warrant any interference by this Court.

7. Heard the learned counsel for petitioner and learned Government Advocate (Crl.Side) for respondents.

8. As far as this case is concerned, petitioner had executed a Power of Attorney Deed in favour of her brother Govardhan in respect of some of her properties. The petitioner's brother Govardhan misused the said Power of Attorney Deed and executed a Sale Deed dated 08.10.2004 in favour of his 3rd wife Shanthi. The petitioner's brother Govardhan had sold the petitioner's property comprised in Survey No.750/2A measuring an extent of



0.17 Cents which does not form part of the said Power of Attorney, in favour of his 3rd wife Shanthi. That apart, petitioner's brother Govardhan and his 3rd wife Shanthi had illegally sold the said property without the knowledge of petitioner. During the year 2024, when the petitioner came to know about the said illegal sale transaction, she had lodged a complaint to 1st respondent Police stating that her brother Govardhan had cheated her. However, without conducting proper enquiry, 3rd respondent Police decided that the issue is civil in nature and hence, petitioner has to approach a Civil Forum. Hence, the aggrieved petitioner had approached the Trial Court by way of petition under Section 175(3) of BNSS, 2023. However, the Trial Court has accepted the conclusion arrived by the 3rd respondent Police and has dismissed the petition filed by the petitioner.

9. From a perusal of the materials available on record, it is evident that the petitioner's brother Govardhan had misused the Power of Attorney



Deed executed by petitioner in his favour and that apart, petitioner's brother

Govardhan and his 3rd wife Shanthi have illegally grabbed the petitioner's property. It is also evident that without proper appreciation, the learned Trial Judge had dismissed the petition filed by the petitioner by holding that the issue involved herein is civil in nature and thus, petitioner has to work out her remedy before a Civil Forum.

10. Considering the above facts and circumstances of the case and having regard to the submissions made by the learned counsel for petitioner, when there is *prima facie* material available with regard to dishonest intention of proposed accused, this Court is inclined to set aside the impugned order passed by the Trial Court and allow this Criminal Revision Case.

11. Accordingly, Order dated 30.06.2025 in CrI.M.P.No.751 of 2025 passed by the learned Judicial Magistrate No.II, Kancheepuram is set aside



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and this Criminal Revision Case is allowed with a direction to the respondent Police to register FIR against Govardhan (petitioner's brother) and Mrs. Shanthi (3rd wife of Govardhan) in pursuance to petitioner's Complaint dated 04.11.2024.

30.10.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

To

1. The Judicial Magistrate No.II,
Kancheepuram.
2. The Inspector General of Police,
North Zone, St. Thomas Mount,
Chennai – 600 016.
3. The Superintendent of Police,
Kancheepuram District.
Kancheepuram.
4. The Additional Superintendent of Police,
Kancheepuram District,
Kancheepuram.

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5.The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI, J.

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