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CRL RC No. 2066 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2066 of 2025

S.Lakshmi

W/o.late. Subramanian,

D.No.11/44, Chetti thoppur Vayal, West

Chithirai Chavadi, Thaliyur,

Coimbatore District

Petitioner(s)

Vs

1. SHANMUGARAJ

S/o.late Subramanian, D.No.132,

Thiruvallurvar Street, Kalampalayam,

Coimbatore-641 010

2.Vanithamani

W/o.Shanmugaraj, D.No.132,

Thiruvallurvar Street, Kalampalayam,

Coimbatore-641 010

3.R.Mohanraj

S/o.Ramasamy, d.No.36, Melchithirai

Chavadi, Puthupalayam,

Theenampalayam, Coimbatore-641 109

Respondent(s)

**CRL RC No. 2066 of 2025****PRAYER**

To set aside the order dated 05.08.2025 made in CrI.M.P.No.6740 of 2025 on the file of the Judicial Magistrate VI, Coimbatore by allowing this Criminal Revision Petition

For Petitioner(s): Mr. K.Sudhakar

ORDER

Challenging the impugned order dated 05.08.2025 passed by the Judicial Magistrate VI, Coimbatore in CrI.M.P.No.6740 of 2025, the petitioner/complainant preferred this Criminal Revision Petition.

2. The petitioner is mother of 1st respondent, aged about 59 years has owned the property an extent of 49 cents at Thondamuthur Village, Coimbatore worth about more than Rs.30,00,000/- and the 1st respondent, who is her son fraudulently obtained the settlement under the guise of mortgage deed. On verification of encumbrance, she came to know that the alleged cheating committed by her son/1st respondent. Therefore, she gave a complaint before the police authority immediately after the knowledge, but though C.S.R. No.461 of 2024 was assigned, no action was taken by them. Hence, she filed a private complaint before the trial court in CrI.M.P.No. 6740 of 2025, but the trial court dismissed the complaint holding that on seeing the facts of the case, it is civil in nature and there is no specific particulars given with regard to the fraudulent



settlement deed said to be executed by the 1st respondent. Aggrieved over the said findings, the petitioner/complainant preferred this Criminal Revision Case.

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3. The learned counsel for petitioner would submit that she is mother of 1st respondent was taken to the Registration Office in order to execute the mortgage deed to give financial assistance to her son, but by false representation, he obtained a settlement deed from her in respect of the property an extent of 49 cents, thereafter, within one week, he mortgaged the property with a lesser value of Rs.10,000/- with the malafide intention to defraud her. But, the trial court failed to take note of that fact and erroneously dismissed the petition. Hence, he prayed to set aside the findings of trial judge.

5. Heard and considered rival submissions made by learned counsel for petitioner perused materials available on record.

6. Considering his submissions and on perusal of records, the fact reveals that the property admeasuring an extent of 49 cents situated at Thondamuthur Village, Coimbatore District belong to this petitioner by way of settlement deed executed by her husband, but as on date, the original settlement deed of the property was in the hands of her daughter. In such circumstances, the entire property said to be gifted to the 1st respondent by false representation made by him under the guise of obtaining settlement deed from her. Hence, she



approached the police authority and gave a complaint, though C.S.R.No.461 of 2024 was assigned, they have not taken any action, but the trial court failed to consider the same. Hence, he prayed to set aside the findings of trial judge.

7. Considering the facts and circumstances as well as considering the fact that she is a senior citizen and though there is a prima facie materials submitted by the petitioner, the trial judge failed to consider the same and erroneously dismissed the petition. Hence, the impugned findings rendered by the trial judge is liable to be set aside. Accordingly, the findings rendered by the Judicial Magistrate VI, Coimbatore in CrI.M.P.No. 6740 of 2025 is set aside. The Inspector of Police, Thondamuthur Police Station, Coimbatore is directed to register the F.I.R., conduct investigation and submit a report within a period of twelve weeks from the date of receipt of a copy of this order as per manner known to law. Accordingly, this Criminal Revision Case is disposed of.

24-10-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To

Judicial Magistrate VI, Coimbatore.



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T.V.THAMILSELVI J.

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