



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2323 of 2025

1. Rahul Narayan
S/o.Late Lalitha Narayan, No.3/318,
Abimanyu Natarajan Aven, Uthandi,
Chennai-600 019.

Petitioner(s)

Vs

1. The State By, Additional DSP,
CCB, Commissionerate of Police,
Tambaram Division, Sholinganallur,
Chennai-119.

Respondent(s)

CRL RC No. 2323 of 2025

PRAYER

To set aside the order of the Honble District Musif cum Judicial Magistrate Court at Sholinganallur, dt.19.09.2025 in CrI.M.P.NO.194/2025 based on report dated 19.09.2025 by Additional DSP, CCB, Commissionerate, of Police Solinganallur, Tambaram and direct him to re investigate and file a report to redress the Rev.Petitinoers grievance and pass such other order or orders as deemed fit under the facts and circumstances of this case and thus render



CRL RC No. 2323 of 2025

For Petitioner : G. Anand
For Respondent(s): Dr.C.E. Pratap,
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Case has been filed to set aside the order of the District Musiff cum Judicial Magistrate Court at Sholinganallur, dated 19.09.2025 in Crl.M.P.NO.194/2025 based on report dated 19.09.2025 by Additional DSP, CCB, Commissionerate, of Police Solinganallur, Tambaram and direct him to re investigate and file a report to redress the Rev.Petitinoers grievance.

2. The petitioner herein has lodged a complaint before the Kanathur Police Station and obtained C.S.R no. 0650/06034/COP-PG/TG and the same was forwarded to the Tambaram Police Commissioner, Additional DCP, CCB for further investigation but no action was taken. Hence, the private complaint under Sections 175(3) of BNSS before the District Musiff cum Judicial Magistrate Court at Sholinganallur, stating that he is sole heir of her mother/Late Lalitha Narayan, who died on 27.11.2023, as a absolute owner of



the property in Plot No. 54, Old No. 3/16 in New No. 3 /318, Abhimanyu Natarajan Avenue East Coast Road, Comprised in S.No. 3/21 Part, 3/22 Part, Patta No. 1582 measuring total extent of 7600 square feet land and bungalow about 1800 square feet in ground floor and 1300 square feet in first floor, the petitioner was in peaceful possession and enjoyment of the said property. On earlier occasion, through registered power of attorney dated 17.05.2019 the petitioner's mother had appointed one P.G. Ananth/A1 as her power agent and the same was cancelled on 17.05.2019. Surprisingly, during the first week of October 2023, the petitioner's mother informed that a possession notice under Section 13 of SARFAESI Act was pasted on the wall of the house by State Bank of India officials. Thereafter, the petitioner came to know about the fraudulent act of the first accused who had obtained other power of attorney on the date of cancellation of power deed without her knowledge and also executed sale deed on 16.12.2019 in favour of one Ganapathi Subramaniyan, based on that sale deed said Ganapathi subramaniyan borrowed a loan for a sum of Rs.3 crores by mortgaging the petitioner's mother's property. After came to know about the fraudulent act of the first accused, the petitioner's mother was dejected and died



on 27.11.2023. After obtaining the certified copies of all the relevant documents, the petitioner found that on the date of cancellation of power of attorney A1 taken many signatures of hers on stamp papers, thus misrepresenting to her as if it was part of the cancellation of power of attorney, whereas he had deliberately intentionally cheated her by keeping of fresh power of attorney below the cancellation of power of attorney deed. Thereafter based on that power of attorney he executed a sale deed. Subsequently, the petitioner has issued notice to the bank officials call for the particulars with regard to borrowal of loan for which no reply was given by the bank. Thereafter, the petitioner came to know that bank officials conspired with other accused persons by manipulating records obtained loan fraudulently by mortgaging the petitioner's mother's property. Since the petitioner's mother has no necessity to sell the said property and not received sale consideration. Therefore, the petitioner lodged a complainant before the CCB, Chennai, on 20.02.2024 but no proper action has been taken. Hence, the petitioner filed the a private complaint before the Trial Court along with other materials including cancellation of power deed and other relevant documents. But the Trial Court failed to take not



of the above documents erroneously dismissed the complaint stating that the petition prayed to file the report regarding the investigation and the same was filed accordingly, dismissed the petition as infructuous. Challenging the same the petitioner filed this Criminal Revision Case.

3. The learned counsel for the petitioner submits that the learned magistrate has failed to analyse the report with proper manner since the report itself shows that there was fraudulent act on the part of the proposed accused but without considering the same the magistrate has closed the petition as infructuous as such is illegal and liable to be set aside.

4. The learned Government (Crl. Side) submits that already CCB Inspector of Police, had conducted investigation and ready to abide with order of this Court.

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

6. Considering the facts and circumstance of the case and also on perusal of the records it reveals the petitioner is a son of Lalitha Narayan, his mother owned property in Plot No. 54, Old No. 3/16 in New No. 3 /318, Abhimanyu



Natarajan Avenue East Coast Road, Comprised in S.No. 3/21 Part, 3/22 Part,

Patta No. 1582 measuring total extent of 7600 square feet. The petitioner's

mother gave power of attorney in favour of first proposed accused on

07.05.2019 and subsequently it was cancelled on 04.12.2019. Thereafter the

petitioner came to know that the said proposed accused executed a sale deed

dated on 16.12.2019 based on the power of attorney in favour of one Ganapathi

Subramaniyan, in turn, he mortgaged the said property before the State Bank

and availed a loan to the tune of Rs.3 crores. When the petitioner's mother was

in possession of the said property, the petitioner's mother informed that a

possession under Section 13(4) of SARFAESI Act was pasted on the wall of the

house. On perusal of the report submitted by the CCB, it shows that during the

investigation they have not found that with regard to payment of alleged sale

consideration of Rs.1 crore. Furthermore, as power agent/proposed accused is

settled in Aandhaman and the Ganapathi Subramaniyan also died. Hence, as on

date, original owner/mother of the petitioner is not benefited from the alleged

sale consideration. Therefore, there is prime facie material made out against the

proposed accused but the court below erroneously dismissed the complainant as



such is erroneous and liable to be set aside. The respondent is directed to file

FIR against Anandh/accused and submit the report within a period of six weeks

from the date of receipt of a copy of this order. Further, the judicial officer has

passed the order without appreciation of facts and reasoning. Hence, the

Registry is directed to give training to the judicial officer concerned.

7. Accordingly, this Criminal Revision case is disposed of.

10-11-2025

pbl

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1. The District Musiff cum Judicial Magistrate Court at Sholinganallur.

2. The Additional DSP,

CCB, Commissionerate of Police, Tambaram Division, Sholinganallur,

Chennai-119.



WEB COPY

CRL RC No. 2323 of 2025





WEB COPY

CRL RC No. 2323 of 2025



T.V.THAMILSELVI J.

pbl

**CRL RC No. 2323 of
2025**

10-11-2025