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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.11.2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.R.C. No.2195 of 2025

K. Suja

...Petitioner

Vs

1. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai – 07.

2. The Inspector of Police,
M3 Puzhal Police Station,
Madhavaram, Chennai

..Respondent

Prayer: This Criminal Revision petition is filed under Section 438 r/w 442 of BNSS to set aside the order dated 25.07.2025 made in Crl.M.P.No.316 of 2025 on the file of the District Munsif Cum Judicial Magistrate, Madhavaram and direct the Respondent Police to register the petitioner's complaint dated 30.05.2023 which is registered as CSR No.472 of 2023 and file a FIR and pass orders.

For Petitioner : Mr.S. Senthil Nathan

For Respondent : Dr.C.E. Pratap, Govt Advocate



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ORDER

This Criminal Revision has been filed to set aside the order dated 25.07.2025 made in CrI.M.P.No.316 of 2025 on the file of the District Munsif Cum Judicial Magistrate, Madhavaram and direct her Respondent Police to register the petitioner's complaint dated 30.05.2023 which is registered as CSR No.472 of 2023 and file a FIR and pass orders.

2.The brief facts of the case are as follows:

The petitioner is the owner of the subject property and he entered into an unregistered agreement on 28.01.2022 to sell the subject property and received a cheque as a part of the sale consideration. The sum and substance of the case is that when the cheque is presented for payment the same was returned as “ funds insufficient”. It is alleged that the accused illegally trespassed into the subject property and threatened the petitioner with dire consequence and used unparliamentary words. Hence the petitioner filed a CrI.M.P.No.316 of 2025 on the file of the District Munsif Cum Judicial Magistrate, Madhavaram and the same was dismissed, which has given rise

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to this petition.

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3. The learned counsel for the petitioner submits that accused has issued a cheque and the same was returned as “ funds insufficient”. Further more the accused trespassed into the subject property with mala fide intention to grab the same. He further submits that the respondent ought to have registered the F.I.R, for criminal trespass of the accused, which was not done. Hence, prays to allow this petition.

4. The learned Government Advocate appearing for the respondent submits that only in a cognizable offence if *prima facie* is made out the same requires detailed investigation and registering of the F.I.R. Though allegation of criminal intimidation and trespass are raised, the substratum of the dispute is essential civil in nature. Hence, there is no necessity to interfere with the impugned order and the prays to dismiss this petition.

5. Heard both sides and perused the material available on record.



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6. On a perusal of records this Court found that the petitioner had entered into an agreement for sale of her property with the accused and the accused had issued a cheque and the same was returned as “ funds insufficient’ . It is found that as such the petitioner cheque being bounced the petitioner had remedy to sue under NI Act and for the agreement holded by the petitioner, he can seek remedy under specific performance act which is purely civil in nature. In the impugned order the learned Judge had concluded that the matter was civil in nature and the petitioner is having an efficacious remedy before Civil Court and dismissed the petition. When this being the case, the parties ought not to have trespassed into the subject property claiming ownership. Further more it is crystal clear that there was a civil dispute pending between the parties, which leads to altercation. Registering the F.I.R will not amount to admission of guilt and nothing prejudice would be caused, if the second respondent police proceeds the case by way of registering the F.I.R. Even the finding observed in the F.I.R will be helpful to arrive at a conclusion in the civil suit.



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7. In view of the above facts, this Criminal Revision case stands allowed and the order passed by the learned Judicial Magistrate on 25.07.2025 in CrI.M.P.No.316 of 2025 on the file of the District Munsif Cum Judicial Magistrate, Madhavaram is set aside. The respondent is directed to conduct and enquiry and register the F.I.R if requires within a period of twelve weeks from the date of receipt of a copy of this order.

Index : Yes/No
Internet : Yes/No
Speaking/Non-speaking Order
smn

17.11. 2025

To.

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Chennai – 07.

2. The Inspector of Police,
M3 Puzhal Police Station,
Madhavaram, Chennai

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3. The District Munsif Cum Judicial Magistrate, Madhavaram

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T.V.THAMILSELVI.,J
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