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CRL RC No. 2390 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2390 of 2025

1. D.Soundappan
S/o.Duraisamy, No. 3/31,
Chinnakalipatti, Chinnakallipatti Post,
Coimbatore Taluk, Coimbatore District.

Petitioner(s)

Vs

1. Angammal @ Angathal
W/o.Kaliyappa Gounder, No. 1/104,
Majra Goundampalayam,
Pudhupalayam Village, Avinashi Taluk,
Tiruppur District.

2.K.Balasubramanian
W/o.Kaliyappa Gounder, No. 1/104,
Majra Goundampalayam,
Pudhupalayam Village, Avinashi Taluk,
Tiruppur District.

3.V.Mohanasundaram
S/o.Velusamy, no. 3/2, Vanjipalayam,
HSS School, Avinashi, Tiruppur
District.

4.R.Mohan
S/o.Late. Rangasamy, Menachal
Kunnathur Illam, Muthozhi, Kotayam,
Kerala.

5.N.Geetha



W/o.Late.Nagarajan, No. 7,
Kuppanachettiyar Street, T.C.Market,
Palladam Road, Tiruppur Taluk,
Tiruppur District.

6.S.Parameswari
W/o.Saravanakumar, D/o.Muniyappan,
No. 49, Madhanapuram, Palani
Adivaram, Palani Taluk, Dindigul
District.

Respondent(s)

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PRAYER

To call for the records culminating in E.Crl.M.P.No. 921/2025 vide order dt. 05.08.2025 on the file of Learned Judicial Magistrate, Additional Mahila Court ,Avinashi, set aside the same and thus render justice.

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For Petitioner(s): Sanjay N Gandhi
A.P.Balaji
P.Vetrivel
S.Bharanidharan

For Respondent:

ORDER

This Criminal Revision Case has been filed to call for the records culminating in E.Crl.M.P.No. 921/2025 vide order dated 05.08.2025 on the file of Learned Judicial Magistrate, Additional Mahila Court ,Avinashi, set aside the same.

2. The brief facts of the case:

The petitioner herein alleged that he had purchased 11 cents of vacant



land (site numbers 119 and 120) in Survey No. 370/1B1, Puduppalayam village, Avinashi Taluk on 20.11.2023 through sale deeds 15980 and 15981 from vendors Mallika and Sarojini, who had acquired their entitlement through sale deeds numbered 3158 and 3161 in the year 1997. It was submitted by the petitioner that the disputed property originally belonged to the 1st accused (Angammal) as per document No. 933 of 1973, and that the 1st accused executed a power of attorney for 2.16 acres in favor of Thennavan on 22.04.1997. The petitioner alleged that on 12.08.1997, the land was divided and sold as sites under the name "Kuzhalalar Colony" through the power agent Thennavan, whereby site number 119 was sold to Mallika and site number 120 was sold to Sarojini. In the year 2008, the 1st accused cancelled the power of attorney that had been executed to Thennavan in year 1997, though no documentary evidence of such cancellation was produced before this Court. It was alleged by the petitioner that on 21.11.2008, the 1st accused fraudulently concealed the earlier subdivision and sales, and executed a gift settlement deed of the same 2.16 acres to her son, the 2nd accused (K. Balasubramaniam). The petitioner further submitted that the 2nd and 3rd accused jointly filed a false case in the Avinashi District Munsif Court and fraudulently obtained a compromise decree on 08.12.2020, which they subsequently registered. It was alleged by the petitioner that based on the fraudulent compromise decree, the 4th and 5th accused purchased the property in the year 2022 through sale deed No. 11605, and subsequently re-sold it to the 6th accused on 27.05.2023



through document number 7454. The petitioner alleged that the proposed accused persons have fraudulently removed the old names from the patta and added their own names to facilitate the illegal transactions and misappropriate the petitioner's property through criminal conspiracy. It was submitted by the petitioner that despite filing registered complaints with the Tirumuruganpoondi Police Inspector on 20.01.2025 and the Tirupur City Police Commissioner on 30.01.2025, no proper legal action has been taken. Hence, the petitioner filed a private complaint under Section under Section 175(3) BNSS before the Judicial Magistrate, Additional Mahila Court, Avinashi, to direct the police to register an FIR against all six accused persons under sections 61(2), 335, 338, 336(3), 340(2), and 318(4) of the Bharatiya Nyaya Sanhita for criminal conspiracy, cheating, criminal breach of trust, and related offenses in connection with the alleged fraudulent misappropriation of his property. On considering the available records, the Judicial magistrate, dismissed the said petition by holding that it is not justifiable to convert a pure civil dispute into a criminal matter without clear and cogent evidence of criminal intent and criminal conduct. Challenging the same, the petitioner filed this Criminal Revision Case.

3. By submitting the above grounds, the learned counsel for the petitioner submits that averments in the petition is sufficient to conclude that there is prima facie material against the proposed accused but the same has not been



rightly appreciate by the Court below to that the petitioner relied on the judgement of the Honourable Apex Court in the case of Dilip Kumar Vs. Brajraj Shrivastava & Another in Crl. A. No. 561 of 2021 dated 26.07.2023.

4. A perusal of records, it reveals that the disputed property in Survey No. 370/1B1, Puduppalayam village, Avinashi Taluk is originally belongs to Angamal/first respondent herein, who executed a power of attorney for 2.16 acres in favour of Thennavan on 22.04.1997, from the said Thennavan, the vendors of the petitioner herein/Mallika and Sarojini had purchased a property (site numbers 119 and 120) in Survey No. 370/1B1, Puduppalayam village, Avinashi Taluk long back in the year 1997 from one Thennavan. Thereafter, they sold the property to the petitioner herein through sale deeds dated 20.11.2023. While so, the first respondent herein cancelled the power of attorney in respect of same S.No. 370/1B1 that had been executed to Thennavan in the year 1997 and executed a gift settlement deed in favour of her son namely K. Balasubramaniaya/second respondent herein. Subsequently, he sold the property to third parties. Admittedly, the sale deeds were already executed in respect of disputed property by one Thennavan in favour of the petitioner's vendors. When the sale deeds were already registered in respect of disputed property, as to how the Sub Registrar registered settlement deed for the same property which requires detailed investigation. Further, the conduct of the respondents shows that they were created the fraudulent documents with malafide intention from the date of execution of documents but the Court below



dismissed the petition as such is erroneous and liable to be set aside. Hence, the

Inspector of Police, Thirumurugapoondi Police Station, is directed to investigate and register the FIR on the petitioner's complaint and to investigate the matter including the Sub Registrar who registered the document within period of 12 weeks from the date of receipt of a copy of this order. Accordingly, this Criminal Revision Case is disposed of. Pending petition, if any, is/are closed.

18-11-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

1. The Inspector of Police, Thirumurugapoondi Police Station.
2. The Public Prosecutor, High court, Madras.



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T.V.THAMILSELVI J.
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