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CRL RC No. 2171 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2171 of 2025

1. Rajesh Kumar

S/o. Late Kumar, Residing at No.13,
Raja Iyer Street, Selaiyur Chennai-
600073.

Petitioner(s)

Vs

1. The Deputy Commissioner of Police
Pallikaranai Distict, Tambaram City
Police, Chennai-600073.

2.The Inspector of Police
T-13 Selaiyur Police Station,
Pallikaranai District, Tambaram City
Police, Chennai-600073.

Respondent(s)

PRAYER

Criminal Revision Case filed under Section 430 of BNSS, praying to call for the records pertaining to the order dated 03.10.2025 passed in CrI.M.P.No.1464 of 2025 on the file of the Judicial Magistrate No.II, Tambaram, set aside the impugned order and consequently direct the 2nd respondent - Inspector of Police,T-13 Selaiyur Police Station, to register the petitioner's complaint dated



24.09.2024 and investigate the same in accordance with law and pass such further or other orders as this Honble Court.

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For Petitioner(s): Mr.B.Balaji

For Respondent(s): Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

Challenging the dismissal order passed by the learned Trial Judge in CNRNo.TNCGOF – 002621 -2025, the present revision has been filed by the petitioner.

2. Before the Trial Court, the petitioner filed a private complaint under Section 175B(3) of the BNSS, stating that his father had died intestate, leaving behind the petitioner and his mother as legal heirs. His sister had already been married. During his lifetime, the petitioner's father, in order to conduct his daughter's marriage, handed over the original title deed of his house property—which was his self-acquired property purchased with hard-earned money in the year 2015—to one Parthasarathy, who assured to arrange a loan through a bank



agent named Jayaraj. Subsequently, the said persons demanded that the petitioner's father sign certain documents, misrepresenting that the same were required for loan purposes. Believing their words, his father signed a Power of Attorney, which was prepared in English. Later, the accused persons neither arranged any loan nor returned the original title deed. Instead, they created a false sale agreement in their favour. On coming to know about the fraudulent acts of the said persons, the petitioner lodged a complaint with the police, but no effective steps were taken. Therefore, the petitioner filed the private complaint before the Trial Court, along with supporting documents such as the copy of the sale deed, Power of Attorney, and sale agreement. However, the learned Trial Judge, without considering the prima facie materials produced by the petitioner, dismissed the complaint holding that the matter was civil in nature. Aggrieved by the said order, the present revision has been filed seeking to set aside the findings and to direct registration of a criminal case.

3. On considering the documents produced by the petitioner, it is evident that the house property was purchased by the petitioner's father on 21.04.2015,



and that subsequently, the Power of Attorney and sale agreement were executed in favour of the accused persons. The contention of the petitioner is that his father was cheated under the guise of obtaining a loan, and that the accused, by misrepresentation, obtained his father's signature on the Power of Attorney and later manipulated the documents to their advantage. Even after lodging of the complaint, the accused persons failed to cooperate with the investigation.

4. When prima facie materials have been produced by the petitioner showing that the accused had acted with malafide intention to defraud the petitioner's family and unlawfully deal with their property, the learned Trial Judge erred in treating the dispute as a civil matter without appreciating the criminal elements involved.

5. Therefore, the findings of the Trial Court are set aside. The respondent police are directed to register an FIR based on the petitioner's complaint and to submit a report after conducting investigation within a period of twelve (12) weeks from the date of receipt of a copy of this order.



6. Accordingly, this Criminal Revision Petition is allowed.

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29-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

RRI



To

1. The Deputy Commissioner of Police
Pallikaranai District, Tambaram City
Police, Chennai-600073.

2. The Inspector of Police
T-13 Selaiyur Police Station,
Pallikaranai District, Tambaram City
Police, Chennai-600073.

3. The Judicial Magistrate No.II,
Tambaram.

4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V.THAMILSELVI J.
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