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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2025

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**THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI**

Crl.R.C.No.2226 of 2025

P. Valliyappan

... Petitioner

Vs.

The State represented by  
Inspector of Police,  
T5 Kundrathur Police Station,  
Kundrathur, Chennai – 600 069

... Respondent

**PRAYER :** This petition is filed under Section 397 and 401 of CrPc to set aside the order dated 31.10.2025 passed by the learned Judicial Magistrate, Sriperumbudur, Kancheepuram District in Crl.M.P.No.1290 of 2025 and pass orders.

For Petitioner : Mr.S. Selvanandam

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

### **ORDER**

This Criminal Revision Case has been filed to set aside the order dated 31.10.2025 passed by the learned Judicial Magistrate, Sriperumbudur, Kancheepuram District in Crl.M.P.No.1290 of 2025 .

2. The facts of the case is that the petitioner and his wife are the owner of



the subject property and they were paying the tax and the revenue records like patta, chitta and adangal stands in the name of the petitioner. The sum and substance of the case is that when the petitioner's wife was hospitalized taking advantage of the situation some individuals trespassed into the subject property, illegally fenced it and put up a shed, using political influence and also obtaining electricity connection. Hence the petitioner lodged a complaint in CSR No.782/2024 dated 17.08.2024 before the respondent police and also gave representation to the commissioner of Police and Deputy Commissioner of Police, Assistant commissioner of police. On enquiry the respondent police found that the dispute is civil in nature concerning title and possession and hence, the complainant was advised to seek remedy before the competent Civil Court. Thus, the police concluded that no cognizable criminal offence is made out warranting registration of FIR. Challenging the same, the petitioner filed a Crl.M.P.No.1290 of 2025 before the learned Judicial Magistrate, Sriperumbudur, Kancheepuram District and the same was dismissed, which has given rise to this petition.

3. The learned counsel for the petitioner submits that some unknown persons trespassed into the subject property and put an fence with a mala fide intention to grab the land. The said act attracts the offence u/s 324(ii),329,(i),(ii),



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318(iv), 351(ii) and r/w 3(5) of BNSS ( 425, 441,447,420 and 506(ii) and r/w 34 of IPC. He further submits that the respondent ought to have registered the F.I.R, 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, concerning ownership and partition of ancestral property. 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.

6. On a perusal of records this Court found that there was a property dispute pending between the parties and the same is pending. When this being the case, the parties ought not to have trespassed into the subject property claiming ownership and also obtained electricity connection. 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 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.

7. In view of the above facts, this Criminal Revision case stands allowed and the order passed by the learned Judicial Magistrate, Sriperumbudur, Kancheepuram District in CrI.M.P.No.1290 of 2025 on 31.10.2025 is set aside. The respondent is directed to conduct and enquiry and register the F.I.R within a period of eight weeks from the date of receipt of a copy of this order.

**04.11.2025**

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1.Inspector of Police,  
T5 Kundrathur Police Station,  
Kundrathur,Chennai – 600 069.

2.The Judicial Magistrate, Sriperumbudur, Kancheepuram District

**T.V.THAMILSELVI, J.**



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