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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2025

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.R.C.No.2334 of 2025

Kamalanathan(Power of Attorney)

... Petitioner

Vs.

1. S. Mageshwari
2. K. Purshotaman
3. M. Dharmichand
4. Babitha
5.M.Pradeep Kumar
6. Mrs. Reetha
7. Sriram Housing finance
8. The Commissioner of Police,
Anti-land grabbing cell,
Tambaram-Sholingnallur

... Respondents

PRAYER : This petition is filed under Section 438 r/w 442 of Cr.P.c to call for the records in Crl.M.P.No.755 of 2025 on 05.08.2025 and set aside the same and direct the learned Judicial Magistrate-II, Chengalpattu to take the complaint on the file and to proceed as per law.

For Petitioner : Mr.V. Ramamurthy

ORDER

This Criminal Revision Case has been filed to call for the records in Crl.M.P.No.755 of 2025 on 05.08.2025 and set aside the same and direct the learned Judicial Magistrate-II, Chengalpattu to take the complaint on the file and pass orders.



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2. The petitioner is the power of attorney of the subject property. The Power of attorney was executed by one Mrs. Haridas Vasantha Devi. The facts of the case is that the subject property was purchased by the said Haridas and he was settled at Singapore along with his family after his demise his wife/Krishnaveni took care of the property and she executed will in favour of her elder daughter namely Vasantha Devi after the death of Krishnaveni, Vasantha Devi claimed herself she is the only legal heirs of Haridass and her mother Pangajam and obtained forged death certificate and legal heir certificate and sold the property to Purushothaman, the said Purushothaman sold the property to Dharmichand and three others and then they deposited the title deed at Sriram Finance company, they are arrayed as R1 to R7 in this case. Hence a protest petition was filed by the petitioner u/s 223 of BNSS before the learned Judicial Magistrate-II, Chengalpattu and the same was dismissed, which has given rise to this petition.

3. It is the main contention of the petitioner that the first and second respondents colluded with the 3rd and 6th respondents and sold and mortgaged with 7th respondent, it reveals in encumbrance and discovered fraudulent transaction. He further submitted that the 8th respondent failed to conduct a thorough investigation; even not summoned the accused person for enquiry and prematurely closed the



case on 12.07.2025 without proper enquiry, citing that no documents was produced. 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. Heard. Records Perused.

5. On a perusal of the impugned order it reveals that the learned Judge has made an observation that to arrive a conclusion it is just and necessary to go through the alleged two sale deeds, deposit of title deeds and other relevant documents, since the above documents are duly registered at Sub Registrar office the protest petition was dismissed and concluded that the petitioner has to approach the proper civil forum for getting proper remedy.

6. Even though this is case relating to a property dispute, 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 in CrI.M.P.No.755 of 2025 by the learned Judicial Magistrate-II, Chengalpattu on 05.08.2025 is set aside. The 8th respondent is directed to conduct an enquiry and register the F.I.R within a period of twelve weeks from the date of receipt of a copy of this order.

11.11.2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Commissioner of Police,
Anti-land grabbing cell,
Tambaram-Sholingnallur

2. The learned Judicial Magistrate-II, Chengalpattu



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T.V.THAMILSELVI, J.

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