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CRL RC No. 2604 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2604 of 2025

and

Crl.M.P.No.22885 of 2025

1. S.Senthil

S/o. K. Selvakanna, P1-203, SNN Raj
Serenity, Begur Koppa Road,
Yelenahalli, Bangalore,
Karnataka-560068.

Petitioner(s)

Vs

1. K. Raghupathy

S/o. Late Krishnasamy Nadarm 1A,
Saffron Buds Veda Block-2, S.N.V.
Garden Road, Nanjundapuram main
Road, Coimbatore-641036.

2.The State rep by Inspector of Police
D-3 Pothanur Police Station,
Coimbatore.

Respondent(s)

PRAYER

Criminal Revision case filed under Section 397 r/w 401 Cr.P.C. 438 r/w 442 of BNSS, praying to call for the records in Crl.M.P.No.657 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Madukkarai dated 13.11.2025 and set aside the same.



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For Petitioner(s): Mr.NR.Elango, Senior counsel
for Mr.Agilesh Kumar S

For R2: Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

Challenging the impugned order passed by the trial Court in Crl.M.P. No. 657 of 2025, the proposed accused has preferred this revision. Before the trial Court, the first respondent filed a petition under Section 175(3) of the BNSS seeking a direction for registration of an FIR based upon his complaint against the second respondent police. On considering the affidavit submitted by the first respondent/defacto complainant, the learned trial Judge directed the respondent police to conduct an investigation by registering an FIR under Section 175(3) of the BNSS. Aggrieved by the said order, the petitioner has preferred this revision.

2. The learned counsel for the petitioner contends that the impugned order passed by the learned trial Judge is illegal. The Court is bound to proceed only on the basis of relevant materials placed before it. However, the learned trial Judge, based on mere presumptions and conjectures, directed the respondent police to register an FIR, which is unsustainable and liable to be set aside. It is



further submitted that based on the earlier complaint given by the defacto complainant, the second respondent police had already verified the issue with the revenue authorities and were awaiting their response, as there existed a dispute regarding an alleged unauthorized construction by the defacto complainant. A civil suit in O.S. No. 239 of 2025 was also filed by the petitioner's family. Aggrieved by that, the first respondent, with vengeance, had come forward with the private complaint, which is clearly an abuse of process of law.

3. It is also pointed out that the first respondent had filed O.S. No. 1139 of 2025 against the legal heirs of his deceased brother. To harass the petitioner's family, the first respondent has now lodged the private complaint alleging that the petitioner, who is the son-in-law of the deceased brother, attempted to remove his name from the patta records. The petitioner explains that after the demise of the first respondent's brother, his legal heirs, namely the petitioner's family submitted an online application for mutation of revenue records. Due to an inadvertent clerical error, the names of the deceased brother's legal heirs were included along with that of the first respondent. When this was brought to their notice, it was immediately rectified. This fact was also admitted by the defacto complainant. Therefore, no further steps were taken by the complainant, after filing the Civil suit in 2025, the present complaint, which clearly shows mala fide intention.



4. The learned Government Advocate (Crl.Side) appearing for the second respondent submits that based on the earlier complaint, the revenue officials were enquired, and it was found that the patta had already been restored in the name of the defacto complainant. Though the petitioner's family members' names were included earlier, possession of the property remained with the defacto complainant and no loss or prejudice was caused to him. Hence, no criminal intent or wrongful gain was made out during the enquiry.

5. Considering the submissions, it is evident that based on the private complaint lodged by the first respondent, the learned Magistrate directed the police to register the FIR. The materials reveal that the defacto complainant and his late brother, Vijaya Raghavan, had divided the family properties under a registered partition deed. After the death of Vijaya Raghavan in 2022, his legal heirs attempted to change the names in the revenue records for the properties allotted to them. To that effect, the wife of the deceased submitted an application to the District Collector, which is also supported by the typed-set.

6. On 05.03.2024, the wife of the deceased sent a letter to the District Collector stating that the defacto complainant was attempting to interfere with the common pathway and vacant site. She requested that notice be issued before making any changes in the survey numbers and sub-divisions. Thus, it is evident



that after the brother's demise, a dispute arose regarding the common pathway and measurement of the properties between the two families.

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7. According to the complaint, the defacto complainant claims that while verifying the patta details online, he noticed that the names of the deceased brother's legal heirs were included in his patta. He lodged an online complaint on 08.05.2024 and the mistake was rectified on 20.08.2024. Again, on further verification, he found the names included in two other pattas, which were also subsequently rectified. He further alleges that the Village Administrative Officer informed him that he was threatened by the petitioner. However, if any such threats were actually made to a public servant, the revenue officials would be legally bound to lodge a complaint, but no such complaint was ever given.

8. Mere allegations regarding threats to the revenue officials, without any supporting material or complaint from the officials themselves, cannot be a basis for criminal prosecution. Even according to the complainant, the VAO advised him to file an online petition, and upon doing so, the issue was immediately rectified. The revenue authorities have also stated that such errors can occur inadvertently during online processing. It is undisputed that patta transfers are initiated only through online applications, and the petitioner's family followed the same procedure.



9. The facts clearly show that after the first rectification in August 2024, the defacto complainant did not pursue any criminal action. Only after disputes relating to enjoyment of the common pathway and the filing of two civil suits between the parties, the present private complaint was lodged in May 2025 with an ulterior motive to give a criminal colour to a civil dispute. The principles laid down in *State of Haryana v. Bhajan Lal* squarely apply, criminal law cannot be used as a weapon to settle civil disputes or to wreak vengeance.

10. On perusal of the partition deed, it is evident that in two survey numbers, the defacto complainant and his deceased brother were allotted common shares. Hence, while applying for name transfer, due to a mistake, the names could have been interchanged or included inadvertently. Possession remained with the defacto complainant, no loss was caused to him, and the error was rectified immediately by the authorities. There is no material evidence to establish that the petitioner threatened the revenue officials. No complaint was lodged by any public authority. These essential facts and circumstances were not properly appreciated by the trial Court.

11. In the absence of any prima facie material to show intentional manipulation of revenue records, continuation of criminal proceedings would amount to abuse of process of law. Therefore, interference is warranted. Accordingly, the



impugned order of the learned District Munsif cum Judicial Magistrate, Madukkarai in Crl.M.P.No.657 of 2025 is set aside. The Criminal revision petition is allowed and the direction given by the trial Judge is set aside.

Consequently connected miscellaneous petition is closed.

28-11-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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To

1.K. Raghupathy

S/o. Late Krishnasamy Nadarm 1A,
Saffron Buds Veda Block-2, S.N.V.
Garden Road, Nanjundapuram main
Road, Coimbatore-641036.

2.The State rep by Inspector of Police
D-3 Pothanur Police Station,
Coimbatore.

3. The District Munsif cum Judicial
Magistrate, Madukkarai.

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



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T.V.THAMILSELVI J.
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