

Crl.R.C.(MD).No.533 of 2025

'BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 25.04.2025

PRONOUNCED ON : 04.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.533 of 2025

Rajagu

... Petitioner/Petitioner

Vs.

1.The State of Tamilnadu,
represented by the Superintendent of Police,
Virudhunagar District.

2.The State of Tamilnadu,
represented by the Inspector of Police,
Aruppukottai Taluk Police Station,
Virudhunagar District.

3.Ramasamy
4.Maheswaran
5.Marimuthu
6.Arumugasamy
7.Raja
8.Deivendran

: Respondents/Respondents



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PRAYER: Criminal Revision Petition has been filed under Section 438 r/w 442 BNSS to call for the records pertaining to the order passed in Crl.M.P.No.160 of 2024, dated 04.06.2024, on the file of the learned Judicial Magistrate, Aruppukottai and set aside the same and directed the second respondent to register a case as against 3 to 8 respondents.

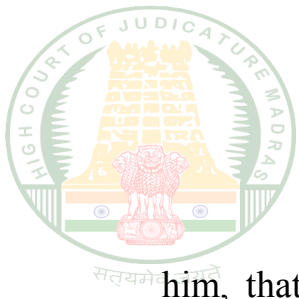
For Petitioner : Mr.S.Vishnuvardhan

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)
for R.1 and R.2

ORDER

This Criminal Revision is directed against the order passed in Crl.M.P.No. 160 of 2024, dated 04.06.2024, on the file of the Court of Judicial Magistrate, Aruppukottai in dismissing the petition filed under Section 156(3) Cr.P.C.

2. The case of the petitioner/defacto complainant is that the third respondent is the paternal uncle of the petitioner, that the third respondent is owning lands in S.No.36/3A, 1b in Thayilpatti Village, Sivakasi Taluk, that the third respondent requested the petitioner to help him in selling the property as he is in need of money for medical expenses and for clearing the other debts due by



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him, that since nobody has come forward to purchase the property, the third respondent insisted the petitioner to purchase the property by himself, that the third respondent has agreed to receive Rs.7,00,000/- and the remaining Rs. 3,00,000/- subsequently, that the petitioner agreeing for the said terms, has paid Rs.7,00,000/- as advance on 05.12.2021 and the third respondent had executed a registered Power of Attorney in favour of the petitioner on 06.12.2021 and agreed to execute a sale deed on receipt of the remaining amount and also handed over the original title deeds to the petitioner, that the petitioner subsequently came to know that the third respondent has cancelled the Power of Attorney deed, vide cancellation deed dated 27.09.2022 without any intimation to the petitioner, that when the same was questioned, the third respondent informed that he is going to sell the property in favour of the fourth respondent at higher price and threatened the petitioner to return the original documents, that the third respondent along with the respondents 4 to 8 conspired together and suppressing the fact that the original documents is with the petitioner, fraudulently made a paper publication as if the original document was misplaced, that the petitioner on seeing the paper advertisement sent a complaint to the Superintendent of Police, Virudhunagar, that the third respondent has then applied before the Sattur Town Police for issuance of Non-traceable Certificate and the said police,



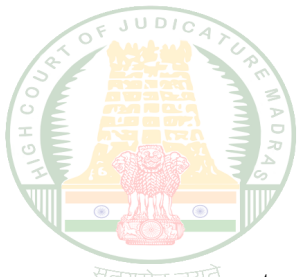
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without conducting any enquiry, issued Non-traceable Certificate in favour of the third respondent, that the third respondent with the help of the said Non-traceable Certificate had fraudulently executed a sale deed in favour of the fourth respondent with the help of the other respondents, vide document dated 23.03.2023 and that since there was no action by the police authorities, the petitioner was constrained to file a petition under Section 156(3) Cr.P.c., for registration of the case and for investigation.

3. The learned Magistrate, taking the petition filed under Section 156(3) Cr.P.C., on file in Crl.M.P.No.160 of 2024, called for a report from the jurisdictional police and thereafter upon perusing the petition, affidavit, reports submitted by the police and other records, passed the impugned order dated 04.06.2024 by holding that the dispute is of civil in nature, dismissed the petition.

4. As rightly contended by the learned Government Advocate (Crl.Side), the petitioner himself has stated that his paternal uncle – third respondent had no issues and he was only taking care of him and that since he was in need of money for medical expenses and for repaying the debts, he wanted to sell his



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property. It is the further case of the petitioner that he paid Rs.7,00,000/- as advance and the third respondent after receiving the said amount, had executed a registered Power of Attorney and also handed over the original title documents.

5. The second respondent police in their report has stated that on enquiry, they came to know that the petitioner had received gold jewels and a cash of Rs.10,00,000/- from the third respondent and is also attempting to grab his immovable property. It is not the case of the petitioner that he entered into any sale agreement with the third respondent in respect of the property in dispute. Though the petitioner has alleged that the Power of Attorney executed by the third respondent was already cancelled, it is not his case that he challenged the cancellation deed in the manner known to law. As rightly contended by the learned Government Advocate (Crl.Side), the petitioner has also added the Sivakasi Sub-Registrar who registered the sale deed executed by the third respondent in favour of the fourth respondent and the witnesses to the said document and also the Advocate who had drafted the documents.

6. At this juncture, it is necessary to refer the judgment of the Hon'ble Supreme Court in in *M/S Indian Oil Corporation vs M/S NEPC India Ltd., and*



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Others, in Crl.A.No.834 of 2002, dated 20.07.2002, wherein, the Hon'ble Apex Court has *deprecated* the practice of attempting to settle the civil disputes by applying pressure through criminal prosecution and the relevant passage is extracted hereunder:

“10. While on this issue, it is necessary to take notice of a growing tendency in business circles to convert purely civil disputes into criminal cases. This is obviously on account of a prevalent impression that civil law remedies are time consuming and do not adequately protect the interests of lenders/creditors. Such a tendency is seen in several family disputes also, leading to irretrievable break down of marriages/families. There is also an impression that if a person could somehow be entangled in a criminal prosecution, there is a likelihood of imminent settlement. Any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure through criminal prosecution should be deprecated and discouraged. In G. Sagar Suri vs. State of UP [2000 (2) SCC 636], this Court observed :

"It is to be seen if a matter, which is essentially of civil nature, has been given a cloak of criminal offence. Criminal proceedings are not a short cut of other remedies available in law. Before issuing process a criminal court has to exercise a great deal of



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caution. For the accused it is a serious matter. This Court has laid certain principles on the basis of which High Court is to exercise its jurisdiction under Section 482 of the Code. Jurisdiction under this Section has to be exercised to prevent abuse of the process of any court or otherwise to secure the ends of justice."

While no one with a legitimate cause or grievance should be prevented from seeking remedies available in criminal law, a complainant who initiates or persists with a prosecution, being fully aware that the criminal proceedings are unwarranted and his remedy lies only in civil law, should himself be made accountable, at the end of such misconceived criminal proceedings, in accordance with law. One positive step that can be taken by the courts, to curb unnecessary prosecutions and harassment of innocent parties, is to exercise their power under section 250 Cr.P.C. more frequently, where they discern malice or frivolousness or ulterior motives on the part of the complainant. Be that as it may."

7. In *Mitesh Kumar J Sha vs The State Of Karnataka (Crl.A.No.1285 of 2021, dated 26.10.2021)*, the Hon'ble Supreme Court has reiterated that cloaking a civil dispute with a criminal nature in order to get quicker relief is an abuse of process of law which must be discouraged.



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8. As rightly observed by the learned Judicial Magistrate, there existed civil dispute between the petitioner and the third respondent and the petitioner by implicating the Sub-Registrar, Advocate and witnesses to the document, appears to be attempting to give a criminal colour to a civil case, thereby blackmailing the third respondent. Considering the above, the impugned order dismissing the petition filed under Section 156(3) Cr.P.C., by the learned Judicial Magistrate cannot be found fault with. Consequently, this Court concludes that the revision is devoid of merits and the same is liable to be dismissed.

9. In the result, the Criminal Revision Case is dismissed.

04.08.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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To

- 1.The Judicial Magistrate Court, Aruppukottai
- 2.The Superintendent of Police,
Virudhunagar District.

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3. The Inspector of Police,
Aruppukottai Taluk Police Station,
Virudhunagar District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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Pre-Delivery order made in

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