



CrI.O.P.(MD)No.10137 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 17.06.2025

CORAM

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

**CrI.O.P.(MD)No.10137 of 2025**

V.Narayanakumar

... Petitioner

versus

1. Ananthakrishnan

2. P.Sankar

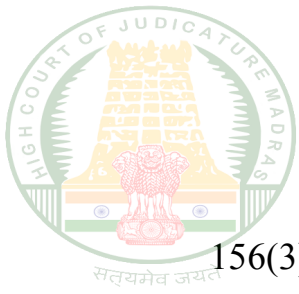
... Respondents

**Prayer :** Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 10.02.2025 passed in CrI.R.C.No.8 of 2023 on the file of the learned Principal Sessions Judge, Thoothukudi, confirming the common order passed in Cr.M.P.No.974 of 2023 and Cr.M.P.No.1012 of 2023 dated 29.03.2023 on the file of the learned Judicial Magistrate, Tiruchendur.

For Petitioner : Mr.B.Moorthikannan

**ORDER**

The petitioner had filed a petition in Cr.M.P.No.974 of 2023 before the learned Judicial Magistrate, Tiruchendur, under Section



CrI.O.P.(MD)No.10137 of 2025

156(3) Cr.P.C. seeking a direction for registration of a case as against the respondents and also filed another petition in Cr.M.P.No.1012 of 2023 seeking a direction to enquire the case by the appropriate officers. The learned Judicial Magistrate, on going through the complaint lodged by the petitioner, found that there is a civil dispute between the parties with regard to the cultivation of a land, for which, a civil suit is also pending before the Civil Court and therefore, rejected both the petitions by order dated 29.03.2023. Challenging the same, the petitioner filed a revision petition in CrI.R.C.No.8 of 2023 and the same was dismissed by the learned Principal Sessions Judge, Thoothukudi, by order dated 10.02.2025. Aggrieved over the same, the petitioner has filed this Criminal Original Petition.

2. The gist of the complaint is that the petitioner had entered into a sale agreement with the first respondent for purchasing a land in Survey No.596 of Authoor Village. The total sale consideration was fixed as Rs.5,50000/-. The petitioner had paid a sum of Rs.4,42,000/- to the first respondent. After purchasing the land, he is in possession of the land and cultivating the land by raising crops. However, the first respondent



CrI.O.P.(MD)No.10137 of 2025

has not come forward to execute the sale deed. Therefore, the petitioner has filed a civil suit in O.S.No.54 of 2023. While so, on 22.02.2023, the first respondent and his brother-in-law, who is the second respondent herein, had entered into the property and also damaged the crops raised by the petitioner to the tune of Rs.85,000/-. In this regard, he lodged a complaint before the Authoor Police Station and also before the Superintendent of Police, but, they have not taken any action. Therefore, the petitioner preferred the complaint before the learned Judicial Magistrate.

3. The petitioner has not established as to how he got possession of the land in Survey No.596 of Authoor Village. Even according to the petitioner, he has paid a sum of Rs.4,42,000/- and even after that, the first respondent has not come forward to execute the sale deed and therefore, he filed a suit for specific performance before the Sub Court, Tiruchendur, in O.S.No.54 of 2023. While so, the petitioner has made averments as if he is in possession of the subject property and cultivating the land by raising crops.



CrI.O.P.(MD)No.10137 of 2025

WEB COPY

4. When there is a civil suit in O.S.No.54 of 2023 pending before the Sub Court, Tiruchendur, the petitioner has to workout his remedy only before the Sub Court, Tiruchendur. Therefore, the Courts below have rightly dismissed the petitions and there is no reason to interfere with the orders of the Courts below.

5. Accordingly, this Criminal Original Petition is dismissed.

**17.06.2025**

Index : Yes / No.  
Internet : Yes / No.  
NCC : Yes / No.  
ogy

To

1. The Principal Sessions Judge,  
Thoothukudi.
2. The Judicial Magistrate,  
Tiruchendur.



WEB COPY



CrI.O.P.(MD)No.10137 of 2025

**B.PUGALENDHI, J.**

ogy

**CrI.O.P.(MD)No.10137 of 2025**

**17.06.2025**