

CRL.A(MD).No. 959 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATE : 19.09.2025

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.A(MD).No. 959 of 2025

R.Varadarajan : Appellant/Complainant

Vs.

1.State rep.by the Inspector of Police,
Manapparai Police Station,
Trichy District.

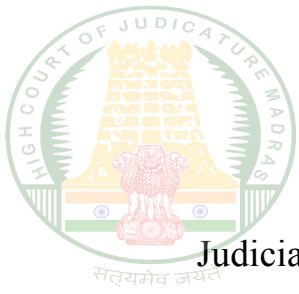
2.V.P.Sankar : Respondents

Prayer : This Criminal Appeal is filed under Section 419(1) of BNSS, to set aside the order, dated 26.05.2025 passed in CrI.M.P.No.1050 of 2022 on the file of the learned Judicial Magistrate, Manapparai.

For Appellant : Mr.A.Ajith Prakash,
For Respondents : Mr.K.Gnanasekaran,
Government Advocate (Criminal Side)
for R1.

JUDGMENT

This Criminal Appeal is directed against the order passed in CrI.M.P.No.1050 of 2020, dated 26.05.2022 on the file of the Court of the



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Judicial Magistrate, Manapparai, dismissing the petition filed under
Section 340 of Cr.P.C.

2.The case of the appellant/complainant is that he is the President of Manapparai Naidu Mahajana Sangam; that the property comprised in S.No.76, old S.No.570/4 situated at Mariamman Kovil Street, Ward No.5, Manapparai Municipality bearing Door Nos.5A, 5B, 5C, 5D, 5E and 5F belongs to the said Sangam and the same was constructed with the funds of the Sangam; that during 1995, some persons namely P.Deenadayalan, Kannan, Backialakshmi, Parthasarathy, Cauvery and Sasikumar, who have no right, interest or title over the said property, filed a civil suit in O.S. No.99 of 1995 before the District Munsif Court for declaration of the suit property; that the appellant's brother Veerasamy, who was the then President of the said Sangam contested the suit and the same was dismissed; that in the meanwhile one Shantha Veerasamy, wife of the Veerasamy was elected as a Chairman of the Manapparai Municipality and by influencing her official position, the property assessment was changed in the name of her son R.V.S. Veeramani and after coming to know about the same, the appellant preferred a complaint before the District Crime Branch, Anti Land Grabbing Cell and the same came to be registered in



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Crime No.8 of 2014 and after investigation, charge sheet came to be filed; that the second respondent in collusion with the said Veeramani has been interfering with the affairs of Sangam and also tried to grab the properties of the Sangam; that the second respondent along with said Veeramani has preferred several false complaints against the members of the Sangam and that since they have filed false complaints and adduced false evidence, the appellant/petitioner was constrained to file a petition under Section 340 of Cr.P.C., for preferring a complaint for the offences under Section 193 and 211 IPC., before the Court of Judicial Magistrate, Manapparai and that the learned Magistrate, after enquiry dismissed the petition. Challenging the dismissal order, the present appeal came to be filed.

3. Even according to the learned counsel appearing for the appellant on the basis of the complaint given by the second respondent, FIR came to be registered and after investigation, final report was filed and the case is pending in C.C.No.106 of 2018 on the file of the Court of the Judicial Magistrate, Manapparai. The learned Judicial Magistrate, by observing that the District Registrar has passed an order directing the petitioner to approach the Court for deciding the property disputes; that the petitioner has not produced any iota of evidence to show that the second respondent



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is not an office bearer to the said Sangam; that he has also not produced any evidence to show that the second respondent gave false evidence and that therefore, the petition cannot be entertained, rejected the petition filed under Section 340 of Cr.P.C.

4.It is settled law that proceedings under Section 340 CrPC are warranted only when the court deems it expedient in the interest of justice to inquire into the alleged offence, considering its impact on the administration of justice rather than mere personal injury. The court's formation of an opinion to hold an inquiry is a prerequisite for filing a complaint. Given the lack of prima facie material, the Magistrate rightly concluded that no inquiry was warranted and dismissed the petition under Section 340 Cr.P.C.

5.Given the facts and circumstances and considering the scope of Section 340 Cr.P.C., the impugned order rejecting the petition is justified. Consequently, this Court concludes that the Criminal Appeal is devoid of merits and the same is liable to be dismissed.



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WEB COPY 6. In the result, the Criminal Appeal is dismissed.

19.09.2025

das

To

1. The Judicial Magistrate, Manapparai.
2. The Inspector of Police,
Manapparai Police Station,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
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