



Crl.RC(MD).No.1159 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

CRL RC(MD) No.1159 of 2025

Muthu, S/o. Chinnan Asari
D.No.7, Nadutheru, Rajamill Compound
Madurai - 625 001.

Revision Petitioner

Vs

1. Muniyandi, S/o. Alagu Asari, Nearby Kaliyamman Kovil,
Aasari Veethi, South Street, Thirumangalam Town
Madurai District.
2. Asha Banu, D/o. Syed, D.No.8, Nagoor Andavar Street
Thirumangalam Town, Madurai District.
3. The Inspector of Police, District Crime Branch
Madurai District.
4. The Superintendent of Police,
Office of The Superintendent of Police
Madurai.

Respondents

Prayer: This Criminal Revision Petition is filed under Sections 438 and 442 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records relating to the order dated 22.07.2025 passed in Crl.MP.No.4301 of 2025 by the Judicial Magistrate I, Madurai and to set aside the same.

For Petitioner : Mr.R.Manoharan

For Respondents : Mr.A.M.P.Madubalan-R1
Mr.Kalanjiyam-R2



WEB COPY



Crl.RC(MD).No.1159 of 2025

Mr.M.Karunanithi, GA-RR3 & 4

ORDER

1. This Criminal Revision Case has been filed, to call for the records relating to the order, dated 22.07.2025 passed in Crl.MP.No.4301 of 2025 by the Judicial Magistrate No.1, Madurai and to set aside the same.
2. The case of the Petitioner is that in respect of his property, worth about Rs.5 crores, the 1st Respondent and his brother bouse, by impersonation and forgery, had created false documents, namely, sale deeds, dated 29.12.1992 (Document No.2912 of 1992) and 13.10.2000 (Document No.5210 of 2000), in their favour and in favour of the 2nd Respondent, respectively. Hence, the Revision Petitioner had preferred a Petition in Crl.MP.No.4301 of 2025 under Section 175 of BNSS before the court below, seeking for a direction to the Respondent Police to register a case against the Respondents 1 and 2 and after investigation, to file a final report against them. By the impugned order, the said Petition was dismissed. As against the same, this Criminal Revision Case has been filed.
3. In the counter affidavit filed on behalf of the Respondents 3 and 4, it is stated that instead of availing civil remedies, the Revision Petitioner has invoked the criminal jurisdiction and that since no cognizable offence



Crl.RC(MD).No.1159 of 2025

WEB COPY

was made out, no criminal case was registered. Hence, the court below has rightly dismissed the Petition, seeking police investigation, by the impugned order.

4. This Court heard Mr.R.Manoharan, the learned counsel for the Revision Petitioner, Mr.A.M.P.Madubalan, the learned counsel for the 1st Respondent, Mr.Kalanjiyam, the learned counsel for the 2nd Respondent and Mr.M.Karunanithi, the learned Government Advocate (Criminal Side) for the Respondents 3 and 4 and considered their submissions and also perused the entire materials placed on record.
5. According to the Revision Petitioner, in respect of of his property, by impersonation and forgery, the 1st Respondent and his brother have created sale deeds, dated 29.12.1992 and 13.10.2000, in their favour and in favour of the 2nd Respondent, respectively. The allegations made out in the application filed under Section 175 of BNSS before the court below would constitute cognizable offence. But, without considering the said aspect, the Trial Court had erroneously dismissed the Petition, by the impugned order, which warrants interferenc by this Court.
6. It is the case of the Respondents 1 and 2 that they are the bona fide purchasers of the property in question and that if the Revision Petitioner is really aggrieved, it is open to him to address the issue before



WEB COPY

appropriate civil forum. Since the dispute is of civil nature, criminal revisional jurisdiction cannot be invoked. Thus, the impugned order, dismissing the Petition, seeking criminal investigation, was rightly passed by the court below.

7. While reiterating the averments made in the counter affidavit, it is submitted by the learned Government Advocate for the Respondents 3 and 4 that since the issue involved in this case is of civil nature, the Revision Petitioner ought to have availed alternative remedy of approaching the civil forum, but without exhausting such remedy, the Revision Petitioner had erroneously invoked the criminal jurisdiction, that too very much belatedly after more than 24 years, without any supporting materials and hence, this Criminal Revision Case is liable to be dismissed.

8. It is seen from the records that the complaint, which was filed on 16.06.2025, of the Revision Petitioner is that the Respondent 1 and his brother Bose have created a sale deed dated 29.12.1992 in their favour and thereafter, a sale deed dated, 13.10.2000, in favour of the 2nd Respondent, respectively, by impersonation and forgery, in respect of his valuable property. That is, his and his mother's signatures were forged, for creating the said documents. Hence, they have committed

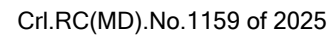


WEB COPY

the offences under Sections 319(2), 316(2), 336(3), 340(2) and 351(2) of BNS.

9. Time and again, the Honourable Supreme Court and the High Courts have held in a catena of decision that by merely alleging that a person acted fraudulently, it cannot be assumed that he committed an offence punishable under the Code or any other law, unless such allegation should be supported by prima facie material. The Courts should allow invocation of criminal process only when there are specific allegations with supporting materials, which clearly constitute criminal offences.

10. In this case, the Revision Petitioner had preferred the said complaint very much belatedly after more than 24 years from the date of the said sale deeds. Since the said sale deeds, both being registered documents, are governed by civil law and when the basic dispute is of civil nature, they can be agitated only before appropriate civil forum. Further, this Court finds that there are only mere allegations in the complaint in respect of forgery and impersonation and there is no prima facie material to indicate such forgery and impersonation. This Court is of the view that considering the above said aspects, the court below had rightly passed the impugned order, dismissing the Petition, seeking criminal investigation.



13. In view of the above said discussions and reasons, this Court is of the view that the court below, after perusing the records, materials, and the averments of the Revision Petitioner, had rightly held that no prima facie material has been shown to constitute any cognizable offence warranting investigation under Section 175(3) of BNS and accordingly,



Crl.RC(MD).No.1159 of 2025

WEB COPY

passed the impugned order, dismissing the prayer of the Revision Petitioner, which is a well reasoned order, which warrants no interferenc by this Court. Accordingly, this Criminal Revision Case is liable to be dismissed.

14.In the result, this Criminal Revision Case is dismissed. There is no order as to costs. The file is consigned to record.

05.11.2025

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation
Srcm

To

1. The Superintendent of Police, Madurai.
2. The Inspector of Police, District Crime Branch, Madurai District.
3. The Additional Public Prosecutor, Madurai Bench of the Madras High Court, Madurai.



WEB COPY



Crl.RC(MD).No.1159 of 2025

SHAMIM AHMED J.,

Srclm

CRL RC(MD) NO. 1159 of 2025

05.11.2025