



WEB COPY

CRL RC No. 86 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 86 of 2026

S.Elanchezhiyan
S/o.Shanmugam,
No.23, 5th Cross Street,
Bharathi Nagar,
Lawspet,
Puducherry - 605 008.

..Petitioner(s)

Vs

1. The Union Territory of Puducherry Rep. by
The Station House officer,
D Nagar Police Station,
Puducherry.
2. Vinoth
S/o.Mannangatti,
No.38,
Goubert Pada Salai,
Vazhaikulam,
Pondicherry.
3. Mannangatti
No.38,
Goubert Pada Salai,
Vazhaikulam,
Pondicherry.

(R2 and R3/ defacto complainants are suo motu
impleaded as per the order of this Court dated
19.01.2026 in Crl.RC.No.86 of 2026)

..Respondent(s)

Criminal Revision Petition filed under Sections 438 and 442 of
BNSS, praying to call for the records in Crl.M.P.No.1684 of 2025 on the file of



the learned Judicial Magistrate No.I, Puducherry, and set aside the same and allow this revision petition considering the facts and circumstances of the case and pass such further or other orders as this Honble Court.

For Petitioner(s): Mr.V.S.Senthilkumar

For Respondent(s): Mr.M.V.Ramachandramurthy
Public Prosecutor (Puducherry) For R1

Mr.C.R.Gokulvisvas
For R2 and R3

ORDER

The revision challenges the dismissal of the petition filed under Section 156(3) of Cr.P.C., seeking registration of an FIR on the complaint given by the petitioner.

2. It is the case of the petitioner that he is in occupation of the disputed premises as a tenant from 11.09.2013; that he and the then landlord had certain disputes and he had filed a suit in O.S.No.2247 of 2018 on the file of the learned Principal District Munsif, Puducherry, and obtained a decree on 09.03.2021; and that on 25.04.2021, certain persons had illegally entered into the premises and committed theft of new tyres kept in the godown situated in the premises, as the petitioner runs a tyre business. Since the respondent police did not register the complaint, the petitioner sought a direction. The said petition was dismissed by the impugned order dated 18.11.2025.



3. The learned counsel for the petitioner would submit that though the petitioner had filed the application in the year 2021, there was no adjudication till recently; that taking advantage of the same, the respondents, who had in the meanwhile obtained a decree, cannot contend that no offence has been committed; and that the impugned order is therefore liable to be set aside.

4. The learned Public Prosecutor (Puducherry) for the first respondent would submit that the complaint of the petitioner was earlier enquired into and it was found that the allegations made by the petitioner were false, and that civil suits are pending between the parties and no cognizable offence has been made out.

5. The learned counsel for the second and third respondents/de facto complainants would submit that they filed a suit in O.S.No.2115 of 2021 for declaration of title and the said suit was decreed by judgment dated 29.07.2025; and that the above judgment confirms that the dispute is purely civil in nature and that the petitioner has made false allegations.

6. It is seen that though the petitioner had filed a petition under Section 156(3) of Cr.P.C. in the year 2021, the same was decided only on 18.11.2025.



Though such delay in disposal of the petition cannot be justified, it is seen that the proposed accused had, in the meanwhile, filed a suit and obtained a decree.

The police have also filed a status report before the Trial Court stating that the allegations made by the petitioner are false. Therefore, this Court is of the view that the dispute is predominantly civil in nature and even if the petitioner claims that he has suffered loss, it is open to him to approach the Civil Court for appropriate remedy.

7. With the above observations, this Criminal Revision Case stands disposed of.

25-02-2026

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



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To

- 1.The Judicial Magistrate No.I, Puducherry.
- 2.The Station House officer,
D Nagar Police Station,
Puducherry.
- 3.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN J.

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