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CRL RC No. 802 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 802 of 2026

R.Baskar, S/o.M.Rajagopal,
No.8/1, Mandhaveli Street,
Thirumazhisai,
Chennai - 600 124.

..Petitioner(s)

Vs

1. The Inspector of Police,
Central Crime Branch (LD-IV), Avadi Police
Commissionerate Office, Avadi,
Chennai-600 054.

2. The Commissioner of Police, Avadi Police
Commissionerate Office, Avadi,
Chennai - 600 054.

..Respondent(s)

Prayer:- To set aside the order passed in Crl.M.P.No.1732/2025 Dated 01/11/2025 by the learned Judicial Magistrate-I, Poonamallee and direct the 1st respondent to register FIR and pass such other or further orders as this Honble Court deems to fit and proper under the facts and circumstances of the case and thus render justice.

For Petitioner(s): R BASKAR (PARTY - IN - PERSON)

For Respondent(s): MR.M.DINESH GOVERNMENT ADVOCATE
CRIMINAL SIDE

ORDER

1. This Criminal Revision Case is filed by the Revision Petitioner/Party in Person, to set aside the order dated, 01.11.2025, passed in Crl.MP.No.1732 of



2025, by the Judicial Magistrate No.I, Poonamallee and to direct the 1st Respondent to register a First Information Report.

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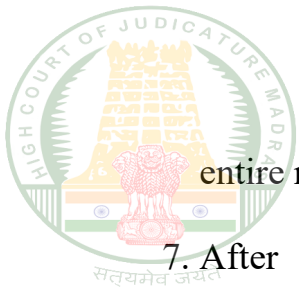
2. The facts of the case are that the Revision Petitioner, who appeared before this Court, as Party in Person, had filed a complaint before the Respondent Police, alleging that the properties situated at S.No.439/1B is a Government land, assigned for the Bus Stand and in respect of that property, a forged patta has been created in favour of one Mahadevan, but the Respondent Police did not take any action. Hence, the Revision Petitioner had filed Crl.MP.No.1732 of 2025 under Section 175(3) of BNSS, 2023 to register a First Information Report, before the Judicial Magistrate No.1, Poonamallee. By the impugned order, dated 01.11.2025, the court below had dismissed the said petition. Hence, this Criminal Revision Case has been filed by the Revision Petitioner/ complainant.
3. This Court heard the Revision Petitioner, Mr.R.Basker/Party in Person and Mr.M.Dinesh, the learned Government Advocate (Criminal Side) for the Respondent.
4. The learned counsel for the Petitioner submits that fake patta in respect of the property in question has been created in the name of one Mahadevan under the signature of the Tahsildar, Kumar and that the Special Tahsildar is the competent Officer to issue patta under the nathan settlement scheme and that there was a prima facie case for registering the First Information Report in the complaint regarding the creation of fake patta and that registration of



the First Information Report is mandatory, if the information discloses commission of a cognizable offence and that the CCB Inspector of Police had conducted an illegal investigation to protect the persons involved in the crime and that the court below failed to appreciate the material evidence and documents and erroneously dismissed the case of the Petitioner, depriving the fundamental rights of fair trial to the Petitioner and in violation of principles of natural justice and hence, the impugned order is liable to be set aside, by allowing this Criminal Revision Case.

5. On the other hand, the learned Government Advocate (Criminal Side) for the Respondent, by filing a counter, submitted that the property in question belonged to the State Government owned land and that the Petitioner has no right to file a complaint in respect of property in question and that if the property in question is a Government owned land, only the concerned Revenue authority can take appropriate action and the Petitioner has no locus standi to file a complaint and that the property in question had been converted into a Government land with the consent of Mahadevan, erstwhile owner of the said land and that the said land was also handed over to the bus stand. The learned Government Advocate further submitted that if the Petitioner has any objection regarding the subject land, he can file a petition with the revenue authority concerned and get remedy and in such circumstances, this Criminal Revision Case is liable to be dismissed.

6. This Court considered the submissions of both sides and also perused the



entire materials placed on record.

7. After considering the arguments of the parties and the entire materials

available on record, this Court finds that the court below, by the impugned order dated 01.11.2025, has questioned the locus standi of the Revision Petitioner and stated that the Revision Petitioner has no locus standi to maintain the complaint in respect of the Petition mentioned property. The alleged property mentioned in S.No.439/1B belongs to the Government. The Revenue Authority alone has the authority to take necessary action. The said property had been assigned by one Mahadeven to the Government. While so, in respect of this property, a civil suit in OS.No.156 of 2025 was filed by M.Nagammal, W/o.Mahadevan and D.Ellammal, against Kannan and the Revenue Authorities before the District Munsif Court, Poonamallee for permanent injunction, restraining the Defendants from interfering with the peaceful possession and enjoyment of the suit property. Thereafter, by the order dated, 13.03.2026, the said suit was dismissed, as not pressed. The learned Government Advocate for the Respondent had produced a copy of the said order, dated 13.03.2026, which is taken on record.

8. It was observed by the learned Magistrate that the Petition mentioned property belongs to the Government and it was assigned for the purpose of Bus Stand. The Revision Petitioner/ complainant has no locus standi to maintain the complaint, as the property belongs to the Government and the Government is not coming forward to lodge any complaint against any



person. The Revision Petitioner has earlier come to this Court by filing a Writ Petition in WP(Crl)No.1013 of 2025, wherein, this Court by order dated, 08.10.2025, directed the Magistrate to decide the application filed by the Revision Petitioner in accordance with law, after hearing the submissions of the Police Officer in this regard as contemplated under Section 175(3) of BNSS, 2023, within a period of two months from the date of receipt of a copy of the order.

9. It was also observed in the impugned order of the Magistrate that as per the above direction of the High Court, notice has been issued to the Police and a reply has also been sought for and after hearing the Prosecution side, it was the case of the Government Official that no one has captured the Government property nor there is any such complaint on behalf of the Government. Thus, the complaint filed by the Petitioner is only with an intention to create some pressure on the State authorities concerned in the garb of the complaint.

10. Further finding was given in the impugned order by the court below that the Revision Petitioner has no locus standi to maintain that complaint. The learned Magistrate has also referred to the judgement of the Honourable Supreme Court reported in **2024 SCC Online SC 726 (Sharif Ahmed Vs. State UP)**, wherein it was held in paragraph 44 as under:-

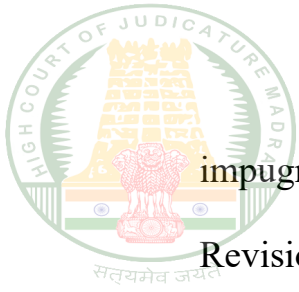
“44. We would like to emphasise on the need for a Magistrate to be cautious in examining whether the facts of the case disclose a civil or criminal wrong, attempts at initiating vexatious criminal proceedings should be thwarted early on”.



11.It was further observed by the learned Magistrate, while passing the impugned order in detail, that giving a direction to register a First Information Report has grave consequences for setting the criminal proceedings in motion and any effort to settle civil disputes and claims, which do not involve any criminal offence by way applying pressure through criminal Prosecution should be deprecated and discouraged. It was also mentioned by the learned Magistrate that the civil suit was already pending when the application was filed by the Petitioner. Thus, on the ground of locus standi, the case was rejected.

12.I have perused the impugned order, dated 01.11.2025. I do not find any illegality or infirmity in the impugned order, which is a detailed order, clearly observing that the complainant has no locus standi to maintain the complaint neither this is a public interest litigation. The complaint was only filed to create pressure on the Government Officials and that the civil suit was already pending when the complaint was filed in respect of the said property, which was later withdrawn by the Plaintiffs of that suit for the reasons best known to them.

13.The alleged property in S.No.439/1B belongs to the Government and is assigned for a Bus Stand. As per the instructions of the learned Government Advocate (Criminal Side), the property is in possession of the Government and there is no encroachment made by any of the persons. Thus, I do not find any reason to entertain the present revision and no interference with the



impugned order by this Court is required. Accordingly, this Criminal
Revision Case is dismissed.

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

SRCM

To

1. The Inspector of Police, Central Crime Branch (LD-IV), Avadi Police Commissionerate Office, Avadi, Chennai-600 054.
2. The Commissioner of Police, Avadi Police Commissionerate Office, Avadi, Chennai - 600 054.
3. The Judicial Magistrate No.I, Poonamallee
4. The Public Prosecutor, Madras High Court, Madras



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SHAMIM AHMED, J.

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