



Crl.R.C.Nos.1788 & 2154 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2026

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THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.R.C.Nos.1788 and 2154 of 2024

and

Crl.M.P.Nos.14689 & 17017 of 2024

Crl.R.C.No.1788 of 2024:

Kutty Flush Doors and Furniture
Company Private Limited,
Rep. By its Director and Authorised Signatory,
P.K.Kader Kutty,
Having its registered office at No.37,
TNHB Phase III,
Ayapakkam Main Road, ICF Colony,
Ambattur, Chennai-600 058.

... Petitioner / Intervenor /
De-facto complainant

Vs

1.State Rep. By
The Inspector of Police, Team XVI,
LFIW-I, Central Crime Branch-I,
Crime No.213 of 2023,
Vepery, Chennai.

... 1st Respondent /
1st respondent / Complainant

2.R.Balaji

... 2nd Respondent / Petitioner /A4



Crl.R.C.Nos.1788 & 2154 of 2024

PRAYER in Crl.R.C.No.1788 of 2024: Criminal Revision cases filed Under Section 397 and 401 of Code of Civil Procedure, 1973 / 438 of BNSS, prays to set aside the order dated 11.09.2024 passed in Crl.M.P.No.51847 of 2024 by the Metropolitan Magistrate for Exclusive Trial of CCB cases (Relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai.

Appearance in Crl.R.C.No.1788 of 2024:

For Petitioner	:	Mr.Abudukumar Rajaratnam, Senior Counsel for Mr.Sharath Chandran
For R1	:	Dr.C.E.Pratap Government Advocate (Crl.Side)
For R2	:	Mr.C.Munusamy

Crl.R.C.No.2154 of 2024:

Kutty Flush Doors and Furniture
Company Private Limited,
Rep. By its Director and Authorised Signatory,
P.K.Kader Kutty,
Having its registered office at No.37,
TNHB Phase III,
Ayapakkam Main Road, ICF Colony,
Ambattur, Chennai-600 058.

... Petitioner / A3

Vs

1.R.Balaji
2.The Chennai Commissioner of Police,
Vepery, Chennai-600 007.
3.State Rep. By
The Inspector of Police,
Central Crime Branch,
Vepery, Chennai.

... Respondents



Crl.R.C.Nos.1788 & 2154 of 2024

PRAYER in Crl.R.C.No.2154 of 2024: Criminal Revision cases filed Under Sections 438 & 442 of BNSS, 2023, prays to set aside the order dated 14.11.2024 passed in Crl.M.P.No.61214 of 2024 by the Metropolitan Magistrate for Exclusive Trial of CCB cases (Relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai.

Appearance in Crl.R.C.No.2154 of 2024:

For Petitioner	:	Mr.Abudukumar Rajaratnam, Senior Counsel for Mr.Sharath Chandran
For R1	:	Mr.C.Munusamy
For R2 & R3	:	Dr.C.E.Pratap Government Advocate (Crl.Side)

COMMON JUDGMENT

Challenging the impugned order passed by the learned trial Judge in Crl.M.P. No. 51847 of 2024 on the file of the CCB & CBCID Metropolitan Magistrate, Egmore, Chennai, the petitioner / de-facto complainant has preferred the Criminal Revision Case No.1788 of 2024.

2. Before the trial Court, the second respondent herein, namely R.Balaji filed an application under Sections 451 read with 457 of the Code of Criminal Procedure, seeking return of the original four sale deed documents dated 21.10.2022, bearing Document Nos. 5338/2022, 5339/2022, 5340/2022 and 5341/2022, pending investigation in Crime No.

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231 of 2023. The said application was contested by the de-facto complainant / revision petitioner by filing an intervening application, as well as by the learned Government Pleader. The de-facto complainant raised objections to the return of the documents. However, after hearing the learned Government Pleader, the learned trial Judge allowed Crl.M.P. No. 51847 of 2024 and ordered return of the documents to the applicant therein. Consequently, the intervening application filed by the de-facto complainant in Crl.M.P. No. 53828 of 2024 was closed. Aggrieved by the said order, the de-facto complainant has preferred the present Criminal Revision.

3. The brief facts of the case: The de-facto complainant is a private limited company under the name and style of Kutty Flush Doors and Furniture Pvt. Ltd., engaged in the business of manufacturing flush doors and furniture. The company is the absolute owner of a property measuring an extent of 30.9 cents, comprised in Old Survey No. 155/1, Town Survey No. 4/1, Block No. 34, situated at No. 106, Koyambedu Village, Aminjikarai Taluk, Chennai District. With an intention to grab the petitioner's said property, Villivakkam Velu (A1) and his son Nagarajan (A2), in connivance with the M.S.S. Transport Group concern and its



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partners (A3 to A6), along with Rajakumari (A7) and Vasudevan (A8), entered into a criminal conspiracy at Koyambedu.

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4. In pursuance of the said conspiracy, the accused persons created a bogus patta in the name of A1, Villivakkam Velu, as though it had been issued by the Tahsildar of Aminjikarai Taluk on 05.11.2007. Using the said forged patta, A1 executed a registered settlement deed dated 25.08.2020 in favour of his son, A2. Based on the said settlement deed, A2 executed four sale deeds dated 21.10.2022, conveying four different portions of the petitioner's property in favour of A3 to A6. A7 and A8 signed as witnesses to the said settlement deed. Upon coming to know of these fraudulent acts, the de-facto complainant lodged a complaint before the first respondent police, based on which an FIR was registered in Crime No. 213 of 2023 for the offences under Sections 447, 465, 467, 468, 471, 120-B read with 34 of the erstwhile Indian Penal Code, 1860. Thereafter, all the accused were arrested and subsequently released on bail.

5. While so, the second respondent herein (R.Balaji) filed Crl.M.P. No. 51847 of 2024 before the trial Court under Section 497 of the Bharatiya

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Nagarik Suraksha Sanhita (BNSS), seeking return of the original four sale

deeds. He claimed that he is engaged in transport business under the name and style of M/s. Mettur Transport, a partnership firm. According to him, the partners of the firm intended to purchase the property after coming to know about the sale offer made by A1 through a mediator. It was stated that Plot No. 39 in Survey No. 155/1, measuring an extent of 13,487 sq. ft., situated on EVR High Road, Koyambedu, Chennai, was purchased after due verification of documents such as A-Register, patta, settlement deed, property tax receipts, an order of this Court in W.A. No. 563 of 2012, and O.S. No. 3639 of 2020. He further claimed that verification was conducted with the Tahsildar's office, encumbrance certificate for about 60 years was obtained, and upon satisfaction, the partners decided to purchase the property for business purposes from Natarajan (A2). The sale consideration was fixed at Rs. 9,44,09,000/- inclusive of GST. The property was divided into four portions, and four separate sale deeds were executed in the names of the partners, each measuring 3,372 sq. ft. The sale deeds were registered on 21.10.2022 at the Sub-Registrar Office, Anna Nagar, vide Document Nos. 5338/2022, 5339/2022, 5340/2022 and 5341/2022. The sale consideration was paid through bank transactions. He also claimed that the



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purchasers were in possession and enjoyment of the property as lawful owners. He further stated that in December 2023, they came to know that an FIR had been registered in Crime No. 213 of 2023 against them and their vendors, based on a complaint lodged by the de-facto complainant through its power of attorney holder, Praveen Kumar.

6. As per the FIR allegations, the de-facto complainant had purchased the property along with other properties in the year 1960, including the land in Survey No. 155/1 measuring 47.5 cents (20,710 sq. ft.), through various sale transactions, and later transferred the property in favour of Sun Hera Reality on 22.01.2006. A power of attorney was executed in favour of Radians Realty Developers India Limited, while retaining 6 grounds in Old Survey No. 155/1, which is the subject matter of dispute. It is alleged that A1, in conspiracy with the other accused, created a bogus patta and executed fraudulent sale deeds. It is also stated that a portion of the land was acquired by the National Highways Authority of India to an extent of 1,315 sq. meters, out of which a portion belonged to Sun Hera Reality, while the remaining 6 grounds in Old Survey No. 155/1 continued to be under the possession and enjoyment of the de-facto complainant, over which the



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impugned encumbrance has now been created. Therefore, a complaint was lodged and, accordingly, an FIR in Crime No. 213 of 2023 was registered by the respondent police against A1 to A8 for the offences under Sections 447, 465, 467, 468, 471, 120-B read with 34 of the Indian Penal Code.

7. The petitioner submitted that the partners of M/s. M.S.S. Transport, as bona fide purchasers, purchased the property for a valid consideration of Rs.9,44,09,000/- inclusive of GST, paid through RTGS bank transactions. Thereafter, the first accused (A1), by obtaining information under the Right to Information Act from the National Highways Department, came to know that the land belonging to the de-facto complainant in Survey No. 155/1 had been acquired twice, and that the de-facto complainant was left with less than 1,000 sq. ft. of land. However, the de-facto complainant is now falsely claiming an extent of 19,600 sq. ft. as belonging to them by way of purchase. It is further alleged that, without any right or title, the de-facto complainant has misappropriated the land and illegally obtained compensation from the Government.



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8. The learned counsel for the petitioner further contended that, as bona fide purchasers, after due verification of the revenue records of their vendor, they purchased the property for a sum of Rs. 9,44,09,000/- through four sale deeds executed in the names of the partners on 21.10.2022. During enquiry pursuant to notice under Section 41-A of Cr.P.C., all the original sale deeds were handed over to the respondent police. The said documents relate to property of high value, and if they are damaged or misplaced in the course of investigation, the purchasers would be put to severe hardship. Hence, they approached the trial Court seeking return of the original documents, with an undertaking to produce the same as and when required.

9. The said application was strongly contested by the de-facto complainant by filing an intervening application in Crl.M.P. No.53828 of 2024. The de-facto complainant raised objections stating that A1, the alleged vendor of the accused A3 to A6, had created a bogus patta and, based on the said patta, fraudulently transferred the property in favour of the partners of M/s. M.S.S. Transport. It was contended that all the accused conspired together, fabricated documents without any valid right or title, and claimed ownership over the property belonging to the de-facto

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complainant. It was further objected that, if the documents were returned, the accused might create further encumbrances over the property, and hence strong objections were raised before the trial Court.

10. The learned Government Pleader filed a reply stating that during the enquiry pursuant to the notice under Section 41-A of Cr.P.C., the accused produced all the original sale deeds, which were thereafter handed over to the Court. It was further submitted that during the course of investigation it was found that each of the accused A3 to A6 had transferred a sum of Rs.2,27,27,250/- through RTGS towards purchase of the property.

11. After considering the rival submissions, the learned trial Judge held that civil suits are already pending between the parties and that the petitioners are claiming to be bona fide purchasers, who are also facing civil proceedings initiated by the de-facto complainant. The learned Judge further held that returning the documents to the petitioners for safe custody would not cause any prejudice to the intervenor. The Additional Public Prosecutor also took note of the fact that the petitioners claimed to be bona fide purchasers. Accordingly, the learned trial Judge was inclined to return the

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original documents subject to conditions. Aggrieved by the said order of the learned trial Judge, the de-facto complainant has preferred the present Criminal Revision.

12. The learned counsel for the petitioner (revision petitioner) contended that by using a bogus patta, A1 executed a settlement deed in favour of A2 and, thereafter, A2, on the strength of the said settlement deed, executed four sale deeds in favour of A3 to A6, who are partners of M/s. M.S.S. Transport. It was argued that the learned Magistrate failed to take note of the initial proceedings initiated against the accused, wherein A3 to A6 were not recognised as bona fide purchasers. It was further pointed out that an injunction has been granted in favour of the de-facto complainant in respect of the disputed property in C.S. No. 71 of 2024. It was therefore contended that, in such circumstances, returning the original documents to the accused is illegal and unsustainable. The claim of A3 to A6 as bona fide purchasers is imaginary and cannot be accepted unless and until they, as well as their vendors, establish their right and title before the competent civil forum. It was further submitted that similar contentions raised by A3 to A6 in other proceedings were rejected, but the same were not considered by

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the learned trial Judge. Hence, the impugned order is illegal, liable to be set aside, and the accused A3 to A6 ought to be directed to return the original documents to the trial Court.

13. By way of reply, the learned counsel for the second respondent submitted that, according to the allegations in the complaint itself, the de-facto complainant is a private limited company claiming absolute right over the subject property. However, no registered title deed stands in the name of the de-facto complainant company. On the contrary, the company itself admits that the property was originally purchased by one A.K. Kader Kutti and one K. Natarajan, who had jointly purchased an extent of 5 acres and 12.5 cents in Old Survey Nos. 169/3, 169/1, 169/2, 169/4B, 169/5B and 155/1, situated at Koyambedu Village, under a registered sale deed bearing Document No. 2694 of 1960, dated 25.10.1960, on the file of the Sub-Registrar, Saidapet, from one Duraiswamy Naidu.

14. The learned counsel for the second respondent further submitted that the de-facto complainant claims that the entire extent of land was transferred to the petitioner company not through any registered sale deed,

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but by way of simple sworn declarations alleged to have been executed on

07.10.1979 and 18.10.1979 by the said original landowners, namely A.K.

Kader Kutti and K. Natarajan. Based on such sworn declarations, the petitioner company claims title over the property. The learned counsel further contended that, relying solely on the said sworn declarations and without any valid registered title documents, the petitioner company proceeded to sell portions of the property and alienated about 1 acre and 54 cents in the aforesaid survey numbers. Thereafter, in an attempt to strengthen its claim of title, the petitioner company filed C.S. No.816 of 2016 before this Court seeking a declaration as though that it is the absolute owner of the remaining extent of approximately 3 acres, as against the legal heirs of the original landowners. He also submitted that the said civil suit ended in a Collusive compromise, wherein it was declared that the sworn declarations given by the original landowners, A.K. Kader Kutti and K. Natarajan, were valid. Consequently, as per the judgment dated 11.01.2017, the petitioner company claimed to have become the absolute owner of the property. Thereafter, in the year 2017, the petitioner company executed a power of attorney in favour of building developers.



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15. In the meantime, the National Highways Authority acquired land

for widening of NH-4 between the years 2006 and 2008, to an extent of about 5,508.20 sq. metres, as claimed in C.S. No. 216 of 2016. On this basis, the second respondent contended that no land now remains in the ownership or possession of the de-facto complainant in Koyambedu Village. The learned counsel further submitted that the de-facto complainant had sold approximately 8.81 acres of land, even though the company itself claims to have originally owned only 5 acres and 12.5 cents. According to the second respondent, this clearly shows that an extent of about 3.68 acres, worth several hundred crores of rupees, was unlawfully grabbed by the de-facto complainant either by adjusting lands of the original owners or by encroaching upon Government land. He further contended that for several decades, without having proper title deeds, the alleged owners, namely A.K. Kader Kutti and K. Natarajan, along with the de-facto complainant company, had grabbed and dealt with the property without lawful title. Despite this, false allegations have been levelled against the accused A2 to A8, who purchased the property for valid consideration after due verification of the records of A1 and A2 and their vendors.



16. The learned counsel submitted that the second respondent and his partners paid the entire sale consideration of about Rs. 9 crores through RTGS transactions and produced all relevant documents before the investigating officer during enquiry under Section 41-A of Cr.P.C. It was also pointed out that at no point of time were the original title deeds of the original landowners of defacto complainant / revision petitioner produced before any of the Courts. Even in the civil suits filed by the de-facto complainant, namely C.S. No. 816 of 2016 and C.S. No. 71 of 2024, the original title deeds were not produced, nor did the de-facto complainant establish a valid right or title to convey the property.

17. On the other hand, the second respondent and his partners purchased the property for valid consideration after due verification. The learned trial Judge, having taken into consideration all these aspects, rightly ordered return of the original documents subject to conditions, which were duly complied with by the second respondent and his partners. Hence, the learned counsel prayed for dismissal of the present revision as being devoid of merits.



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18. Considering the submissions made on both sides, it is the contention of the de-facto complainant / revision petitioner that they are the absolute owners of the property comprised in Survey No. 155/1, measuring an extent of 33.3 cents. The main contention of the de-facto complainant is that the petitioner is a private limited company and that its promoters, namely A.K. Kader Kutty and Natarajan, had purchased properties comprised in Old Survey Nos. 169/3, 169/1, 169/2, 169/4B, 169/5B and 155/1, measuring a total extent of 5 acres and 12.5 cents, through a registered sale deed dated 25.10.1960 from one Duraisamy Naidu.

19. According to the de-facto complainant, the above properties were acquired by the petitioner's company in the year 1964 and that the absolute ownership vested with the company by virtue of sworn declarations executed by the said A.K. Kader Kutty and Natarajan, whereby they allegedly agreed to hand over the property in favour of the petitioner company. The submissions of the de-facto complainant thus clearly reveal that, even as on date, the petitioner company claims absolute ownership over the disputed property in Survey No. 155/1, Koyambedu Village, solely

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on the basis of sworn declarations.

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20. One of the foremost objections raised on the side of the second respondent / accused A3 to A6 is that the de-facto complainant company has no valid right or title over the suit property. The entire allegations and submissions of the de-facto complainant clearly admit that the property was originally purchased only by A.K. Kader Kutty and Natarajan in their individual capacity. It is further admitted that the de-facto complainant company was incorporated only in the year 1962, whereas the purchase of the property was made in the year 1960. Therefore, at the time of purchase, the de-facto complainant company was not in existence.

21. On a perusal of the sale deed dated 25.10.1960, it is evident that A.K. Kader Kutty and Natarajan purchased the property in their individual capacity and not on behalf of any partnership firm or company. However, the petitioner company claims right and title over the property on the ground that the said individuals handed over the property to the company by way of sworn declarations. Admittedly, there is no registered document in favour of the petitioner company evidencing transfer of title.



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22. Even as per the sale deed dated 25.10.1960, the value of the property was more than Rs. 25,000/-. Therefore, in terms of law, any transfer of such immovable property, having a value exceeding Rs.100/-, necessarily requires a registered instrument. As on date, there is absolutely no proof on the side of the de-facto complainant to show that the petitioner company purchased the property from A.K. Kader Kutty and Natarajan through any registered conveyance. In such circumstances, the objection raised by the second respondent is legally sustainable.

23. This Court further notes that at no point of time that the original title deed of the alleged vendor, namely Duraisamy Naidu, been produced before any judicial forum. The said document has not seen the light of day in any of the proceedings. Even in the civil suit in C.S. No. 71 of 2024, the de-facto complainant has produced only a xerox copy of the alleged original title deed and has made an endorsement in the plaint stating that an explanation for non-production of the original document would be given at the time of arguments. This itself clearly indicates that the de-facto

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complainant is not in possession of the original title deed.

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24. Despite the above, in earlier proceedings, the de-facto complainant has claimed itself to be the absolute owner of the property. Further, there was a civil suit between the petitioner company and the legal heirs of A.K.Kader Kutty and K. Natarajan in C.S. No. 816 of 2016, wherein the petitioner company sought a declaration in respect of an extent of 54 grounds in Survey Nos. 169/3, 169/1, 169/3, 169/4B and 169/5B, Block No. 37, in D.S. Nos. 4/1 and 4/3, and obtained a decree of declaration.

25. The very fact that the petitioner company instituted the said suit seeking a declaration of title clearly shows that, in order to strengthen its claim of right and title, the de-facto complainant company and the legal heirs of the original purchasers came forward with the said litigation, collusively as rightly pointed out by the learned counsel for the second respondent. In the said suit, no written statement was filed on behalf of the legal heirs, and the decree appears to have been obtained without contest. This clearly indicates that the de-facto complainant sought to strengthen its title through such proceedings, which lends support to the contention of the



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second respondent.

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26. However, the de-facto complainant obtained an order of interim injunction from this Court in its original jurisdiction in C.S. No. 71 of 2024, by suppressing material facts, in O.A. Nos. 250 and 251 of 2024. The said order of interim injunction was challenged by the second respondent by filing O.S.A. Nos. 166 and 167 of 2024. Subsequently, the said appeals were withdrawn on the ground that the property had already been sold.

27. Therefore, on the side of the second respondent, a valid objection has been raised to the effect that the de-facto complainant company itself has no locus standi either to deal with or to alienate the property, nor does it possess valid right and title, as required under law. The de-facto complainant has not produced any registered document evidencing lawful transfer of title in its favour, nor is there any proof to show that the company purchased the property for valid consideration from the alleged individual purchasers, namely A.K. Kader Kutty and Natarajan. Hence, the objection raised by the second respondent is legally sustainable.



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28. On the other hand, the second respondent has been able to establish that they purchased the property for valid consideration under four registered sale deeds and paid a total sum of about Rs. 9 crores, inclusive of GST, through RTGS transactions. It is also seen that the civil suit filed by the de-facto complainant and the counter affidavit filed by the de-facto complainant before this Court disclose that the Tahsildar has stated that the vendor's vendor of the second respondent had purchased the property long back and had been in possession of patta since the year 1977. But now after dispute, they also gave complaint against their vendors and case is under investigation.

29. Subsequently, the de-facto complainant filed another civil suit in C.S.No. 21 of 2024, wherein the de-facto complainant is required to establish its right and title. Thus, it is evident that the title over the subject property is under serious dispute and is yet to be adjudicated by the competent civil forum.

30. At this juncture, considering the fact that valid consideration had



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passed in favour of the accused A1, A2, and that the original documents were handed over during investigation, the learned trial Judge rightly ordered return of the original sale deeds to the custody of A3 to A6, subject to conditions to produce the same as and when required. The accused have also filed undertaking affidavits to that effect.

31. Therefore, handing over the original sale deeds to the custody of A3 to A6 would not cause any prejudice to the de-facto complainant, for the reasons discussed above. Even with regard to the receipt of land acquisition compensation on behalf of the de-facto complainant company, the documents enclosed in the typed set indicate that the compensation was not properly received in the name of the company. Instead, individuals appear to have received the compensation on behalf of the company without proper seal or valid authorisation.

32. In view of the foregoing reasons, this Court finds no merit in the present revision. **Accordingly, the Criminal Revision Crl.R.C.No.1788 of 2024 is dismissed,** and the order passed by the learned trial Judge is confirmed.

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33. In Crl.R.C. No. 2154 of 2024

Challenging the impugned order passed by the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases (relating to cheating cases) and CBCID Metro Cases, Egmore, Chennai, in Crl.M.P. No. 61214 of 2024, dated 14.11.2024, the proposed third accused has preferred the Criminal Revision No. 2154 of 2024.

34. Before the trial Court, the first respondent herein, as de-facto complainant, filed a petition under Section 156(3) of the Code of Criminal Procedure seeking a direction to the respondent police to register an FIR and investigate the matter. It was stated that the de-facto complainant is carrying on business under the name and style of M/s. Mettur Transport at Koyambedu as a partnership firm and that, on behalf of the partners, the property in question was purchased for valid consideration. He further alleged that the proposed accused, namely M/s. Kutty Flush Doors and Furniture Pvt. Ltd., attempted to grab the property after the purchase made

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by the de-facto complainant. According to the complainant, after their purchase, the proposed accused gave complaints before the Gate and Koyambedu Police Stations alleging that the present petitioner and their vendors had conspired and grabbed the property belonging to the proposed accused. He also contended that a bogus patta was created by the vendors of the petitioner. Based on such allegations, CSR No. 658 of 2020 was registered, and the police directed the parties to approach the Tahsildar.

35. Thereafter, the complainant's vendor, Villivakkam Velu, filed a writ appeal in W.A. No. 564 of 2021, in which the Tahsildar, Aminjikarai, filed an affidavit stating that the patta stood in the name of Villivakkam Velu and his vendors. Upon verification, it was found that Kutty Flush Doors and Furniture Pvt. Ltd. had not purchased the disputed property, but had falsely claimed absolute ownership over it. He also alleged that Plot No. 34 in Survey No. 155/1 had been acquired by the National Highways Department and that compensation was received, despite the lack of valid right over the property claimed by the proposed accused. He further alleged that the claim of right over the property by the proposed accused, purportedly dating back to the year 1960, is entirely different from the property purchased by the de-

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facto complainant. By relying upon illegal sworn declarations and without any registered title documents, the proposed accused claimed ownership over the property by suppressing material facts. He alleged that the Managing Director of the proposed accused company, using his influence, lodged a false complaint, pursuant to which an FIR was registered in Crime No. 213 of 2023 against the complainant and their vendors.

36. According to the de-facto complainant, upon verification of the sale deeds and revenue records, it was found that the proposed accused did not possess valid right or title over the property. On the contrary, they had sold a larger extent of land than what they allegedly owned. Hence, the de-facto complainant sought investigation against the proposed accused by filing the application under Section 156(3) Cr.P.C.

37. On the side of the counter, objections were raised stating that in Crime No. 90 of 2024, the present de-facto complainant had already given a complaint against the vendors as well as the proposed accused. It was also pointed out that Kutty Flush Doors and Furniture Pvt. Ltd. had already lodged a complaint in Crime No. 213 of 2023 against the present

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complainant and their vendors. Considering the pendency of multiple cases between the parties, the prosecution raised an objection stating that there was no necessity to register yet another FIR.

38. After considering the submissions made on both sides, the learned trial Judge held that, as on date, although the proposed accused claimed right over the property, they had not produced the original documents relied upon by them dating back to 25.06.1960, nor had they produced the original title deeds of their vendors. He further noted that they had not produced any documents before the revenue authorities or before any Court in earlier proceedings and that they claimed the original documents were completely damaged.

39. The learned Magistrate further observed that the conduct of the proposed accused raised serious suspicion regarding their possession of valid title deeds or revenue records. It was also observed that forged documents were allegedly produced before the National Highways Department to obtain compensation by suppressing material facts.



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40. Considering the conduct of the proposed accused and the allegations made, the trial Court held that the complaint disclosed a prima facie case of land grabbing by using forged documents and electronic records with an intention to unlawfully grab the property belonging to the de-facto complainant. Accordingly, Crl.M.P. No. 61214 of 2024 was allowed, and the Deputy Commissioner of Police, Central Crime Branch, Vepery, Chennai-7, was directed to enquire into the matter and register an FIR based on the complaint. Challenging the said findings and order of the learned trial Judge, the proposed accused has now filed the present Criminal Revision Case.

41. The learned counsel for the respondent contended that in C.S. No. 71 of 2024, this Court, after verification of the documents, had granted an order of interim injunction in favour of the proposed accused, who is the plaintiff in the said suit, after considering his claim of right, title, and possession. It was argued that the learned trial Judge failed to take note of the said interim order and, despite the same, directed the respondent police to conduct an investigation. According to the learned counsel, such a

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direction is illegal and not maintainable in law, as the learned trial Judge virtually acted as an appellate authority.

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42. The learned counsel further submitted that the proposed accused had already lodged a complaint in Crime No. 213 of 2023 against eight persons, including the present de-facto complainant, and the said case is under investigation. It was argued that in order to escape from the clutches of law, the de-facto complainant / first respondent had come forward with false claims. Without considering these facts and the pendency of several civil proceedings between the parties, the learned trial Judge ordered investigation, which is erroneous and liable to be set aside.

43. Per contra, the learned Government Advocate (Criminal Side), appearing for the second respondent, submitted that while dealing with Crime No. 213 of 2023, in which both the de-facto complainant and the proposed accused were parties, this Court, in W.P. No. 31485 of 2024, directed the Home Department and the Deputy Commissioner of Police, CCB-III, to transfer the investigation from the Inspector of Police, CCB-I,

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to the CBCID, Egmore, Chennai. The said order has not been challenged by any of the parties.

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44. The learned Government Advocate (Criminal Side), further submitted that the de-facto complainant has consistently contended that the proposed accused does not possess valid right or title over the property, more particularly in Survey No. 155/1, and that they had obtained compensation from the National Highways Department by furnishing false information. While disposing of Crl.R.C. No. 1788 of 2024, pertaining to Crime No. 213 of 2023, this Court had elaborately discussed the rival claims of right and title put forth by the proposed accused, based on the available records.

45. Though it is settled that the Civil Court alone is competent to finally adjudicate upon issues relating to right and title over immovable property, a bare perusal of the records relied upon by the proposed accused clearly indicates that the proposed accused company had not purchased the property through any registered conveyance. On the contrary, the claim of right is based solely on sworn declarations. Therefore, the conduct of the

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proposed accused also warrants a detailed investigation. In such circumstances, the order passed by the learned trial Judge does not warrant any interference.

46. It is further seen that the proposed accused has attempted to abuse the process of law by consistently failing to produce original documents before this Court as well as before the trial Court nor any of the Courts. Without producing such original title deeds, the proposed accused appears to have obtained collusive decrees and attempted to strengthen its claim over the property, which is situated in Koyambedu and is stated to be worth more than Rs. 100 crores, including Government land. Hence, the matter requires a thorough and detailed investigation.

47. Though the trial Court has directed investigation to be conducted by the CCB Police, Chennai, this Court finds that both Crime No. 213 of 2023 and the complaint given by the de-facto complainant to the respondent police are also required to be investigated by the CBCID, Egmore, Chennai, in order to avoid conflicting findings and to ensure a fair investigation.

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48. With the above observations and directions, **these Criminal Revision Cases are dismissed**, confirming the findings of the trial Court. However, the investigation alone is directed to be transferred to the CBCID, Egmore, Chennai. Consequently, connected miscellaneous petitions are closed.

08.01.2026

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order

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To

1. The Metropolitan Magistrate for Exclusive Trial of CCB cases and CBCID Metro Cases, Egmore, Chennai.
2. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V.THAMILSELVI, J.

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and
Crl.M.P.Nos.14689 & 17017 of 2024

08.01.2026