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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-01-2026

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 15 of 2026

V.Ravikumar

Petitioner(s)

Vs

1. State Rep. By
The Inspector of Police
E-1 Sholingallure (L and O) Police Station,
Coimbatore District.

2.Rajasekaran

3.Muthukumaran

4.Balaji

Respondent(s)

PRAYER:Criminal Revision filed under Section 438 and 442 of BNSS to set aside the impugned order dated 13.10.2025 made in C.M.P.No.5518 of 2025 on the file of the Judicial Magistrate No.III, Coimbatore consequently issue direction to take the C.M.P.No.5518 of 2025 on file by issuing notice to the respondents.

For Petitioner(s): Mr.B.Manimaran

For Respondent(s): Mr.R.Vinothraja
Government Advocate for R1

ORDER

The petitioner challenges the dismissal of the protest petition challenging the report of the respondents which states that the complaint of the petitioner only discloses a civil dispute.



2.The gist of the allegations in the complaint made by the petitioner against the proposed accused is that the proposed accused entered into a sale agreement with the petitioner in respect of the disputed property; that the proposed accused had received Rs.25,00,000/- as advance; that they had suppressed the fact that there was a civil litigation pending in respect of the property; that the proposed accused did not have any title to the property and therefore, ought to have returned the advance amount and hence, they have committed cognizable offence.

3.Since the police did not take any action on the petitioner's complaint, he had filed C.M.P.No.5518 of 2025 before the Judicial Magistrate No.III, Coimbatore, seeking registration of an FIR. The learned Judicial Magistrate directed the respondent police to conduct enquiry in terms of the judgment of the Hon'ble Supreme Court in ***Lalitha Kumari Vs. State of UP*** and file a report before the Judicial Magistrate. The respondent police accordingly filed a report stating that further action cannot be taken as the complaint is civil in nature.

4.Thereafter, the petitioner filed a protest petition before the learned Judicial Magistrate, who after taking into consideration the complaint and the report filed by the respondent police, found that the petitioner was aware of the fact that there were civil disputes pending in respect of the property and had entered into a sale agreement and therefore, the allegations with regard to the deception and forgery would not be made out.



5.The learned counsel for the petitioner would submit that the respondent and the learned Judicial Magistrate erred in not registering the FIR; that the allegations ought to have been accepted at its face value which discloses cognizable offences and therefore, prayed for setting aside the impugned order.

6.The learned Government Advocate (Crl.Side) per contra submitted that the impugned order does not suffer from any infirmity and the respondent police on investigation found that the petitioner is attempting to convert a suit for specific performance or for return of the advance amount into a criminal complaint and therefore, prayed for dismissal of the revision.

7.It is seen from the impugned order that the learned Magistrate has considered the fact that the petitioner is a Lawyer. In fact in the sale agreement, there is a reference to the judgment passed in the civil dispute in O.S.No.143/2017. Therefore, the learned Magistrate found that there is no false representation and the allegations at best discloses breach of promise. This Court finds from the complaint and the submissions made by the learned counsels that no deception has been established warranting registration of FIR for the offences under section 420 IPC. The petitioner is not a layman and he was aware of the litigation. Hence, there is no infirmity in either the report of the police or in the impugned order.



8.Hence, the criminal revision stands dismissed. However, it is needless to say that the Courts dealing with any civil litigation between the parties will decide the matter without being influenced by any of the observations made in this order or in the order impugned.

06-01-2026

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

1.The Judicial Magistrate No.III,
Coimbatore.

2.The Inspector of Police
E-1 Sholingallure (L and O) Police Station,
Coimbatore District.



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SUNDER MOHAN, J.

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