



WEB COPY

CRL RC No.2772 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-01-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 2772 of 2025

S.Sridharan
S/o.K.R.Srinivasan,
No.86A, Second Part,
Old Pallavaram, Chennai 600 117.

Petitioner(s)

Vs

1. The Inspector of Police,
T3, Pallavaram Police Station,
Pallavaram, Chennai 6000 43.

2.Nithyanandhan

3.Rindhiya

4.Deepak Kotta Reddy

Respondent(s)

PRAYER: Criminal Revision Case filed under Section 438 & 442 of BNSS, to set aside the impugned order dated 06.10.2025 passed by the court of the District Munsif cum Judicial Magistrate, Pallavaram in Crl.M.P.No.1651/2024 and direct the Respondent Police to register FIR based on the petitioner's complaint and conduct investigation.

For Petitioner(s): Mr.R.C.Sreenandha

For R1: Mr.R.Vinothraja
Government Advocate (Crl.Side)



ORDER

The present petition has been filed challenging the dismissal of the petitioner's application filed under Section 175(3) of BNSS, directing the respondent to register FIR on the petitioner's complaint.

2. The gist of the petitioner's complaint is that the petitioner had purchased the disputed property by virtue of a sale deed; that the proposed accused by falsely claiming title over the disputed property is refusing to handover possession to the petitioner and therefore, they are liable for the offence of criminal trespass; that when the petitioner questioned, the proposed accused abused the petitioner in filthy language and committed the offence of criminal intimidation.

3. The petitioner had filed a complaint, which was refused to be registered by the respondent police. The petitioner, therefore, filed a petition under Section 175(3) of BNSS, seeking registration of the FIR on the complaint given by the petitioner.

4. The learned Magistrate dismissed the said petition, on the ground that the complaint only discloses a civil dispute; that the petitioner is seeking recovery of possession, for which, he has already filed civil suit before the



Principal District Court, Chengalpattu in O.S.No.557 of 2024; that suppressing the said fact the petition has been filed; that since the allegations do not disclose any cognizable offences, the petition is liable to be dismissed.

5. The learned counsel for the petitioner would submit that the petitioner had purchased the property through a valid sale deed; that since the private respondents are in occupation of the property and have not handed over possession of the property to the petitioner, they are deemed to have committed criminal trespass; and that therefore, the impugned order of the learned Magistrate is liable to be set aside.

6. The learned Government Advocate appearing for the first respondent would submit that the allegation against the private respondents would only suggest a civil dispute; that there is a civil suit pending between the parties; and that therefore, the respondent police has rightly not registered the FIR.

7. It is not the case of the petitioner that the petitioner was in possession of the property, which was disturbed by the proposed accused. In fact, the petitioner has filed suit in O.S.No.557 of 2024 on the file of Principal District Court, Chengalpattu, for recovery of possession of the disputed property. Though there is a vague allegation that the proposed accused have encroached



upon the property by making a false claim of title, the date on which, the alleged encroachment was made is not mentioned. The allegations only suggest that the petitioner is seeking to convert a civil dispute into a criminal case.

8. Considering all the above facts, this Court is of the view that there is no infirmity in the impugned order of the learned Magistrate.

9. Accordingly, the Criminal Revision Case is dismissed. It is needless to say that the petitioner is at liberty to seek appropriate remedy before the Civil Court.

07-01-2026

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

To
1. The District Munsif cum Judicial Magistrate, Pallavaram.



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SUNDER MOHAN J.
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2. The Inspector of Police,
T3, Pallavaram Police Station, Pallavaram,
Chennai 6000 43.

3. The Public Prosecutor,
High Court of Madras.

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