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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-02-2026

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THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No.2655 of 2025

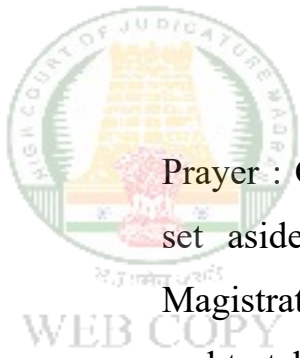
Purushothaman
S/o.Shanmugasundaram,
Poonthalaimedu,
M.Aadhanur (P.O),
Kattumannarkoil,
Cuddalore.

..Petitioner/Petitioner

Vs

1. Ganeshamurthy,
S/o. Chidambaram,
2. Rajendran,
S/o.Chidambaram,
Both are residing at
Poonthalaimedu,
M.Aadhanur(P.O.),
Kattumannarkoil,
Cuddalore.

...Respondents/Respondents



Prayer : Criminal Revision filed under Section 438 r/w 442 of BNSS, 2023 to set aside the order passed by the Learned District Munsif and Judicial Magistrate Court, Kattumannarkoil in C.M.P.No.1112 of 2021 dated 28.08.2025 and to take cognizance against the respondents for the offences u/s.294(b), 441, 351, 506(ii) of IPC by issuing summons to the respondents.

For Petitioner: Mr.T.Saravanan

For Respondents: No appearance
for R1 and R2

ORDER

This Criminal Revision challenges the order passed in Crl.M.P.No.1112 of 2021 dated 28.08.2025 by which the learned District Munsif and Judicial Magistrate, Kattumannarkoil, had refused to take cognizance of the complaint of the petitioner.

2. The gist of the allegation in the petitioner's complaint is that the respondents are his neighbours; that they had illegally trespassed into the land belonging to the petitioner's brother; and that when the petitioner's brother and the petitioner questioned the same, the respondents had abused them in filthy language and also threatened them with dire consequences by showing a knife. The alleged occurrence is said to have taken place on 20.09.2018. The complaint of the petitioner's brother was not taken on file by the police.



The petitioner's brother passed away on 23.09.2021 and hence, the petitioner had filed the private complaint, which also came to be dismissed by the impugned order.

3. Mr.T.Saravanan, the learned counsel for the petitioner, would submit that there is an allegation of trespass in the complaint; that the learned Magistrate ought not to have conducted a mini trial and held that the dispute is between neighbours; and that the allegations in any case constitute the offence under Sections 506(ii) and 294(b) of the Indian Penal Code, 1860 (hereinafter referred to as the "**IPC**"); and that the learned Magistrate therefore ought to have considered that the respondents have committed the offences under Sections 294(b), 441, 351, and 506(ii) of the IPC.

4. Admittedly, the petitioner's brother had initially lodged the complaint. He is no more. Hence, the petitioner continued the prosecution. The petitioner and his brother were examined as witnesses, viz., P.W.1 and P.W.2, before the learned Magistrate. P.W.2 had stated that as on 20.09.2018, the respondents had trespassed into the property and had constructed a house. It is contrary to the deposition of P.W.1/brother of the petitioner. Therefore, the learned Magistrate found that the allegations only suggest a civil dispute between neighbours; and that criminal trespass is not made out.



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5. That apart, the allegation of threat also would show that there is no real threat warranting the registration of the case under Section 506(ii) of the IPC. It is well settled that unless there is a real threat, the said offence would not be made out. Similarly, to invoke Section 294(b) of the IPC, the accused must have either committed an obscene act or uttered an obscene word in a public place. There is no such allegation.

6. For all the above reasons, the learned Magistrate found that the allegations only disclose a civil dispute. This Court finds no infirmity in the impugned order, as the allegation only suggests a civil dispute between neighbours. Hence, this Criminal Revision stands dismissed.

09-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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CRL RC No.2655 of 2



SUNDER MOHAN, J.

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CRL RC No. 2655 of 2025

09-02-2026