



Crl.R.C. No. 2854 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl. R.C. No. 2854 of 2025

Mr. Mano Krishna
S/o. K. Dhakshinamoorthy (Late),
D/No. 59, Plot No.3,
Dharma Thottam Street,
Irumbuliyur, Chennai – 600 045.

..Petitioner

Vs.

1. State represented by
The Inspector of Police,
T-12, Selaiyur Police Station,
Selaiyur, Chennai – 600 073.
2. Mr. Boopalan,
S/o. Ramachandran
3. Mrs. Uma Maheswari
W/o. Boopalan

Both 2nd and 3rd respondents are
residing at No.4, Sathiya Sai Nagar,
Irumbuliyur, Chennai – 600 045.

..Respondents

Prayer: Criminal Revision Case filed under Section 438 r/w 442 of Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the order dated 30.09.2025 passed in Crl.M.P. No. 58 of 2025 by the learned Judicial



Crl.R.C. No. 2854 of 2025

Magistrate No.II, Tambaram and direct the 1st respondent/Inspector of Police, T-12 Selaiyur Police Station register an FIR based on the petitioner's complaint and CSR No. 2391/2024 dated 12.09.2024 and proceed with a fair, proper and impartial investigation.

For Petitioner :: Ms. Lakshmi Raja
For Respondents :: Mr.S. Balaji,
Govt. Advocate (Crl.Side) for R1

O R D E R

The revision challenges the dismissal of the petitioner's application filed under Section 156(3) Cr.P.C., which was filed for registration of his complaint as an FIR.

2. The gist of the allegation in the complaint filed by the petitioner is that in the year 2008, the proposed accused, under the pretext of lending a sum of Rs.2,75,000/- to the petitioner's mother, had obtained a Power of Attorney from her in respect of the disputed property and obtained her signatures in documents by falsely representing that they were obtained for the purpose of mortgage; that thereafter, by making use of the said Power of Attorney, the said proposed accused had executed sale deeds in favour of third parties and thus, committed deceit and criminal breach of trust. Since



Crl.R.C. No. 2854 of 2025

the complaint lodged by the petitioner before the Police was closed as ‘ civil in nature’, the petitioner had filed a petition under Section 175(3) BNSS seeking registration of FIR.

3. The learned Magistrate found that the allegation disclosed only a civil dispute; that the petitioner’s mother had not challenged the Power of Attorney or the subsequent sale deeds when she was alive and that even if the petitioner was aggrieved by the fact that his mother had no right to deal with the property, since the petitioner also had a right over the property, the petitioner ought to have challenged the sale within three years after attaining majority and hence, dismissed the petition.

4. Learned counsel for the petitioner would submit that the allegations disclose a cognizable offence; that the learned Magistrate ought to have directed investigation as only a fair enquiry would have revealed whether the petitioner’s mother was deceived by the proposed accused.

5. Per contra, learned Government Advocate (Crl.Side) for the 1st respondent would submit that the order of the learned Magistrate does not suffer from any infirmity and that the 1st respondent Police, after conducting an enquiry, found that the allegations only disclose a civil



Crl.R.C. No. 2854 of 2025

dispute. Learned Government Advocate (Crl.Side) further referred to the order dated 02.08.2024 passed by this Court in W.P. No. 21599 of 2024 by which this Court had dismissed the petitioner's writ petition seeking cancellation of Power of Attorney executed by his mother.

5. Heard both sides and perused the materials on record.

6. Admittedly, the petitioner's mother had executed a Power of Attorney dated 18.03.2008 in favour of the proposed accused. Thereafter, the said proposed accused had executed sale deeds on the strength of the Power of Attorney in favour of third parties in the year 2018. The petitioner had earlier filed W.P. No. 21599 of 2024 before this Court seeking cancellation of Power of Attorney. This Court, by order dated 02.08.2024, dismissed the said writ petition by making the following observation:

“5. At the outset, this Court is of the view that the very prayer in the writ petition is nothing but abuse of process of law. When a person has already executed a document and challenging such document on the ground that misappropriation or fraud, the same ought to have been done within a period of three years by filing a suit. That apart, even assuming that the person was a minor at the relevant point of time, the document can be avoided within a period of three years on attaining the



Crl.R.C. No. 2854 of 2025

majority. Such is the position of law, by filing just representation, the petitioner cannot seek cancellation of the document.”

WEB COPY

7. The petitioner is aged 31 years and he had not taken steps to either challenge the Power of Attorney or the sale deeds before the Civil Court. The allegations only disclose a civil dispute and a challenge is made to the documents executed by his mother in the guise of a complaint. In fact, by the relief sought, the petitioner, in effect, is asking the Police to decide a time-barred suit. The 1st respondent Police would have no jurisdiction to entertain such complaints. Therefore, this Court finds no infirmity in the impugned order passed by the learned Magistrate and the criminal revision case stands dismissed.

02.01.2026

Neutral Citation: Yes/No

nv

To

1. The Judicial Magistrate No.II,
Tambaram.
2. The Inspector of Police,
T-12, Selaiyur Police Station,
Selaiyur, Chennai – 600 073.

5\6



WEB COPY



Crl.R.C. No. 2854 of 2025

SUNDER MOHAN,J.

nv

3. The Public Prosecutor,
High Court, Madras.

Crl.R.C. No. 2854 of 2025

02.012026