

A.Chidambaram vs State Rep.By, on 9 October, 2026

2026:MHC:4155

CRL RC No. 919 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 30.07.2026

PRONOUNCED ON : 09-10-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 919 of 2026

A.Chidambaram, S/o.late.Annamalai,
No.95/96, Arcot Road, Valasaravakkam,
Chennai-600 087.

..Petitioner(s)

Vs

1. State rep.by, The Superintendent of Police,
Chengalpattu District.
2. The Inspector of Police, District Crime Branch,
Chengalpattu District.
3. John Abraham Nelson, Son of Mr.J.Nelson
No.12/6, Ambedkar Street, Karunanidhi Nagar,
Ullagaram, Chennai-600061.
4. J.N.Ivy Shyana Alias J.N.T. Shyana Nayeem,
Daughter of Mr.J.Nelson, aged about 53 years,
No.5/884, 5th Street, Lakeview Street, Ayyappa
Nagar, Madipakkam, Chennai-600091.
(R3 and R4 impleaded as per the order of this
court dated 13.07.2026 in Crl.MP.No.9848 of
2026 in Crl.RC.No.919 of 2026)

..Respondent(s)

Prayer:- This Criminal Revision Case is filed to call for the records in
Crl.MP.No.2280 of 2025 on the file of the learned Judicial Magistrate-II,
Chengalpattu, and to set aside the order, dated 27.11.2025.

For Petitioner(s): Mr.S.Haja Mohideen Gisthi, Assisted by
Mr.Jaga Jeevan and Mr.S.Abdul Mussawir Khan

For Respondent(s): Mr.M.Dinesh, GA (Criminal Side)-RR1&2

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2026:MHC:4155

CRL RC No. 919 of 2026

Mr.M.P.John Peter-RR3&4

ORDER

1. This Criminal Revision Case is filed against the order, dated 27.11.2025, passed in Crl.MP.No.2280 of 2025, by the Judicial Magistrate-II, Chengalpattu.
2. The case of the Revision Petitioner, in a nutshell, as set out in the affidavit filed in support of this Criminal Revision Case, is as under:-

(a) The Revision Petitioner had purchased some properties, comprised in Survey Nos.462/4A1, measuring 31 cents, 462/4A2, measuring 30 cents, 463/1B, measuring 53 cents, and 463/5A, measuring 83 cents, (In all 1.97 acres), by way of a registered sale deed, dated 19.10.2005, bearing Document No.6980 of 2005 on the file of the Sub-Registrar Office, Thiruporur, from its owner, namely, Magimai Doss. The Revision Petitioner had also purchased some other properties, comprised in Survey Nos.463/1A, measuring 37 cents and in Survey No.463/8 measuring 64 cents, (In all 1.01 acres), from its owner, namely, C.M.Andrews, by way of a registered sale deed, dated 11.07.2005 bearing Document No. 4622/2005, on the file of the Sub-Registrar Office, Thiruporur. All the revenue records were duly mutated in the name of the Revision Petitioner, and Patta bearing No. 1727, dated 15.03.2006 was also issued in his favour.

(b) It was the further case of the Revision Petitioner that it was found from _____ Page2 of 24 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4155 CRL RC No. 919 of 2026 the encumbrance certificates that certain third parties, namely, John Abraham Nelson and his sister Shyana, had created forged and fabricated documents, in respect of the very same properties and they had got executed a Settlement Deed, dated 24.12.2014, bearing Document No. 18597/2014 and a Release Deed, dated 24.12.2014, bearing Document No. 18599/2014, both registered before the Sub-Registrar Office, Thiruporur, in respect of properties comprised in Survey Nos. 463/1A, measuring 37 cents, 463/1B, measuring 53 cents, and 463/5A, measuring 83 cents, aggregating to 1.73 acres.

(c) Hence, the Revision Petitioner had lodged a complaint, dated 21.11.2024 before the Respondent Polices, however, no First Information Report was filed. Hence, the Revision Petitioner had filed a petition in Crl.MP.No.2280 of 2025 under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, before the Judicial Magistrate No II, Chengalpattu, seeking for a direction to the District Crime Branch, Land Grabbing Cell, Chengalpattu, to register an FIR, against John Abraham Nelson and his sister, Shyana, based on the complaint dated, 21.11.2024 and to conduct a proper investigation.

(d) It was the further case of the Revision Petitioner that by the impugned order, dated 27.11.2025, the said Petition was dismissed, on the grounds that the dispute is purely civil in nature and that the Petitioner can approach a civil forum for getting proper remedy. Hence, contending that _____ Page3 of 24 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4155 CRL RC No. 919 of 2026 the impugned order suffers from patent illegality, perversity, misapplication of statutory presumptions, and failure to exercise judicial discretion, resulting in grave miscarriage of justice, the present Criminal Revision Petition has been filed, seeking the relief as stated above.

3. In the counter affidavit filed by the learned counsel for the Respondents 3 and 4 , it is averred as follows:-

(a) The Revision Petitioner has suppressed material facts, relevant parent title documents, prior police enquiries, and the true nature of the dispute.

The learned Judicial Magistrate-II, Chengalpattu, had rightly dismissed the petition filed under Section 175(3) of BNSS, by the impugned order dated 27.11.2025, on the ground that the dispute raised by the Revision Petitioner is civil in nature. Except making repeated allegations of forgery, fabrication, cheating and conspiracy, the Revision Petitioner has not produced any material to substantiate the said allegations. Mere execution and registration of documents by persons claiming title over a property cannot by itself constitute forgery. To attract offences under Sections 336(1), 336(2), 338, 336(3), 340(2) and 61(2) of BNS or under the corresponding [Sections 463, 465, 467, 468, 471 and 120B](#) of IPC, there must first exist a false document within the meaning of law. No such foundational allegation has been made by the Revision Petitioner.

(b) The parent title of the Respondents 3 and 4 originates from the Sale Deed dated 12.10.1949 registered as Document No.1212 of 1949 on the file of _____ Page4 of 24 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4155 CRL RC No. 919 of 2026 the Sub Registrar Office, Thiruporur. The Revision Petitioner had earlier preferred two complaints before the concerned police authorities regarding the very same subject matter. In the first complaint before the E1 Mahabalipuram Police Station, for which CSR437/2024 dated 26.06.2024 was issued to the Revision Petitioner, the respondent appeared for enquiry and produced all relevant parent title documents. During enquiry, the concerned Inspector had already enquired the complainant, by showing all the relevant parent documents and again, the Revision Petitioner preferred complaint dated 21.11.2024 before the Superintendent of Police, Chengalpattu.

(c) It was the further case of the Respondents 3 and 4 that the Revision Petitioner had purchased the property in the year 2005, whereas the complaint alleging forgery was initiated only in 2024, after nearly 19 years. No explanation whatsoever has been offered for such enormous delay and laches. Even if the entire complaint allegations are accepted as true, no prima facie ingredients of forgery, fabrication, cheating, or conspiracy are made out against the Respondents 3 and 4. Patta or revenue

mutation by itself does not confer title and cannot override registered parent title deeds. The impugned order, dated 27.11.2025 passed in Crl.M.P. No.2280 of 2025 by the learned Judicial Magistrate-II, Chengalpattu, is legal and proper. In such Circumstances, this Criminal Revision Case is liable to be dismissed.

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4. In the rejoinder affidavit filed by the learned counsel for the Revision Petitioner, in reply to the counter affidavit filed by the Respondents 3 and 4, it is replied as follows:-

(a) The fact that the present issue is purely civil in nature is wholly misconceived. The present case involves the deliberate creation of a parallel and fabricated chain of title over properties that had already been conveyed, with the dishonest intention of usurping ownership and causing wrongful loss through fraudulent transactions. The said acts clearly attract the offences punishable under [Sections 336\(1\), 336\(2\), 338, 336\(3\), 340\(2\)](#) and [61\(2\)](#) of BNS or under the corresponding [Sections 463, 465, 467, 468, 471](#) and [120B](#) of IPC.

(b) The revenue records had already been mutated in the name of the Revision Petitioner, long before the respondents created the impugned fraudulent deeds. The respondent police failed to register an FIR, despite the complaint clearly disclosing cognizable offences. The learned Judicial Magistrate No. II, Chengalpattu, had also committed a patent error, in dismissing Crl.MP.No.2280 of 2025 by mechanically treating the matter as a "civil dispute". Consequently, the impugned order, dated 27.11.2025 is unsustainable in law.

5. The learned Government Advocate (Criminal Side) on behalf of the Respondents 1 and 2 also has filed a counter affidavit and supported the _____ Page 6 of 24 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4155 CRL RC No. 919 of 2026 impugned order, dated 27.11.2025, passed by the learned Magistrate and submitted that there is no error committed by the learned Magistrate and prayed for dismissal of the present Revision Petition.

6. This Court heard the learned counsel for the Revision Petitioner, the learned Government Advocate (Criminal Side) for the Respondents 1 and 2 and the learned counsel for the Respondents 3 and 4.

7. The pleadings between the parties are exchanged.

8. The learned counsel for the Revision Petitioner has assailed the impugned order, in his argument mainly on the following grounds:-

(a) The court below failed to ascertain, whether the averments contained in the complaint, taken at their face value and accepted in entirety, disclose the commission of cognizable offences and that the allegations made by the Revision Petitioner are not merely civil in nature, but, it discloses a series of grave and distinct criminal acts, attracting multiple penal provisions, each of which, independently warrants investigation.

(b) The acts of the accused/Respondents 3 and 4, in bringing into existence the purported Settlement Deed and the Release Deed, in respect of properties, over which they had no lawful right, title, or interest, squarely constitute the making of "false documents", which attracts the offence under [Section 336\(1\)](#) of BNS. The deliberate fabrication of title documents with the clear objective of divesting the lawful owner of his proprietary rights, attracts the offence under [Section 336\(2\)](#) of BNS.

_____ Page 7 of 24 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4155 CRL RC No. 919 of 2026 Forging documents to create and extinguish valuable rights in immovable property, would attract the offence under [Section 338](#) of BNS.

(c) The documents have been created with a dishonest intention to cause wrongful loss to the Revision Petitioner and wrongful gain to themselves also with an intention to deceive and induce any person into buying the property and cheat them. Consequently, the acts complained fall squarely within the ambit of [Section 336\(3\)](#) of BNS. The conduct of the Respondents 3 and 4 in presenting the forged documents before statutory authorities, as if they were genuine and legally valid instruments would attract the offence under [Section 340\(2\)](#) of BNS. In executing multiple documents, on the same date, i.e., 24.12.2014, covering overlapping extents of property, there existed a prior meeting of minds and a common intention to commit the aforesaid illegal acts, thereby attracting the offence of criminal conspiracy punishable under [Section 61\(2\)](#) of BNS.

(d) The specific allegations are that the Respondents 3 and 4, having no manner of right, title, or interest over the subject properties, have deliberately fabricated and brought into existence false documents, namely the Settlement Deed bearing Document No. 18597/2014 dated 24.12.2014 and the Release Deed bearing Document No. 18599/2014 dated 24.12.2014, in respect of properties already purchased and owned by the Revision Petitioner, under the registered sale deeds of the year 2005. The creation of such documents is not a matter of civil adjudication _____ Page 8 of 24 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4155 CRL RC No. 919 of 2026 alone, but constitutes a clear act of forgery, accompanied by fraudulent intent to usurp property and cause wrongful loss to the Petitioner.

(e) The failure of the learned Magistrate to recognize the aforesaid legal position, and the consequent refusal to direct registration of an FIR and proper investigation, constitutes a clear jurisdictional error, non-application of mind, and results in grave miscarriage of justice. In such circumstances, the impugned order is liable to be set aside.

9. The learned counsel for the Respondents 3 and 4, in reply to the arguments advanced by the learned counsel for the Revision Petitioner, has submitted that the Revision Petitioner has suppressed the material facts, relevant parent title documents, prior police enquiries, and the true nature of the dispute and that the court below had rightly dismissed the petition filed under [Section 175\(3\)](#) BNSS by order dated 27.11.2025, after correctly appreciating that the dispute raised by the petitioner is essentially civil in nature and that mere execution and registration of documents, by persons claiming title over a property, cannot by itself constitute forgery and that to attract offences under [Sections 336\(1\), 336\(2\), 338, 336\(3\), 340\(2\)](#) and [61\(2\)](#) of BNS or under the corresponding [Sections 463, 465, 467, 468, 471](#) and [120B](#) of IPC, there must first exist a false document, within the meaning of law and no such foundational allegation has been made by the Revision Petitioner.

10. The learned counsel for Respondents 3 and 4 has further submitted that even if the entire complaint allegations are accepted as true, no prima facie _____ Page9 of 24 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4155 CRL RC No. 919 of 2026 ingredients of forgery, fabrication, cheating, or conspiracy are made out against the Respondents 3 and 4 and that the Revision Petitioner is attempting to convert a civil title dispute into a criminal litigation and that the complaint is based purely on assumptions and unsupported allegations and that the court below had rightly held that title adjudication cannot be undertaken in criminal proceedings and that if the petitioner genuinely disputes title, the proper remedy lies only before the competent civil court and hence, the impugned order, is legal, proper, well-reasoned, and warrants no interference.

11. The learned Government Advocate (Criminal Side) has also supported the arguments as advanced by the learned counsel for the Respondents 3 and 4 and submitted that the impugned order was rightly passed and no interference is required by this Court.

12. The learned counsel for the Revision Petitioner, reiterating the averments made in the rejoinder reply, has further submitted that the acts of the Respondents 3 and 4 clearly attract the offences punishable under [Sections 336\(1\), 336\(2\), 338, 336\(3\), 340\(2\)](#) and [61\(2\)](#) of BNS or under the corresponding [Sections 463, 465, 467, 468, 471](#) and [120B](#) of IPC and hence, an FIR be registered and a proper and fair criminal investigation is required in this matter and the impugned order, dated 27.11.2025 passed by the learned Magistrate may be set aside and the present Revision Petition may be allowed, as prayed for.

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13. This Court considered the submissions of the learned counsel for the parties and also perused the entire materials placed on record.

14. According to the Revision Petitioner, he is the absolute owner of the properties, to an extent of 2.98 acres, situated at Paiyanoor Village, Chengalpattu Taluk, Kanchipuram District, by virtue of (1) Sale Deed, dated 19.10.2005, bearing Document No. 6980 of 2005, for an extent of 1.97 acres, (comprised in Survey Nos. 462/4A1 – 31 cents, Survey No. 462/4A2 – 30 cents; and Survey No. 463/1B – 53 cents and (2) the Sale Deed, dated 11.07.2005, bearing Document No. 4622 of 2005, for an extent of 1.01 acres, comprised in Survey No. 463/1A – 37 cents; and in Survey No. 463/8 – 64 cents). All the revenue records were mutated in the Revision Petitioner's name and official Patta No. 1727/2006, dated 15.03.2006 was issued in his favour.

15. It is the further case of the Revision Petitioner that the Respondents 3 and 4 had allegedly committed the offences of forgery, fabrication of documents, cheating, by creating (1) Sale Deed Document No.1212 of 1949, dated 12.10.1949, (2) Sale Deed Document No.860 of 1964, dated 26.06.1964, (3) Sale Deed Document No.3108 of 1964, dated 31.07.1964, (4) Sale Deed Document No.2617 of 1983, dated 04.08.1983, in respect of the very same properties, pursuant to the criminal conspiracy. Further, on 24.12.2014, the Settlement Deed, bearing Document No.18597 of 2014 and a release deed, bearing Document No.18599 of 2014, were created, in favour of the _____ Page11 of 24 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4155 CRL RC No. 919 of 2026 Respondents 3 and 4. Thus, it warrants registration of an FIR and a thorough police investigation for the said offences of forgery, cheating and conspiracy.

16. According to the Respondents 3 and 4, their title is originated from the year 1949 itself and hence, they are the rightful owners of the properties in question, by virtue of various registered sale deed, settlement deed and a release deed.

DISCUSSION:-

17. It is seen from the perusal of the complaint that there are averments made by the Revision Petitioner to the effect that the Respondents 3 and 4 had allegedly committed the offences punishable under [Sections 336\(1\), 336\(2\), 338, 336\(3\), 340\(2\)](#) and [61\(2\)](#) of BNS, by creating false and forged documents, in order to cheat the Revision Petitioner, pursuant to the criminal conspiracy and that the alleged acts of the Respondents 3 and 4 squarely fall within the definition of making false documents, attracting the offences of forgery, cheating and conspiracy.

18. Registration of documents does not confer title, validate contents, or cleanse an instrument tainted by underlying fraud and forgery. At the stage of considering a petition under [Section 175\(3\)](#) of BNSS, the Magistrate is only required to examine as to whether the allegations in the complaint, prima facie, disclose cognizable offences. By construing the matter as 'purely civil' and finding that the registered documents cannot be examined in a criminal proceedings, the Magistrate erred in conducting a premature mini-trial and _____ Page12 of 24 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4155 CRL RC No. 919 of 2026 exceeded its jurisdiction.

19. Once a complaint, prima facie, discloses the commission of cognizable offences, registration of an FIR and proper investigation of the case are mandatory and the mere fact that the dispute involves questions, relating to title or civil rights cannot be a ground to deny registration of an FIR and proper investigation, when the allegations prima facie disclose cognizable offences of forgery, fabrication of documents, cheating and criminal conspiracy.

20. The challenge mounted by the revision petitioners proceeds upon a fundamental misconception regarding the nature of the jurisdiction exercised by the learned Magistrate under [Section 175\(3\)](#) of BNSS.

21. [Section 175](#) occurs in Chapter XIII of BNSS dealing with information to the police and the powers of investigation. The jurisdiction conferred upon the Magistrate under sub-section (3) is neither adjudicatory nor determinative. The Magistrate does not adjudicate the correctness of the allegations. Equally, the Magistrate does not pronounce upon the civil rights of parties nor determine the criminal liability of the proposed accused. The statutory function discharged by the Magistrate is confined to examining whether the complaint, read as a whole, discloses the commission of cognizable offences requiring police investigation.

22. The distinction between proceedings under [Section 175\(3\)](#) and proceedings under [Section 223](#) of BNSS is fundamental and cannot be overlooked. Under _____ Page 13 of 24 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4155 CRL RC No. 919 of 2026 [Section 175\(3\)](#) of BNSS, the Magistrate merely decides whether police investigation should commence. Under [Section 223](#) of BNSS, the Magistrate embarks upon an enquiry with a view to taking cognizance. The degree of scrutiny required under the two provisions is therefore entirely different. The Revision Petitioner, however, invite this Court to import into [Section 175\(3\)](#) of BNSS the standards applicable to enquiries under [Section 223](#) of BNSS and even to a full-fledged criminal trial. Such an approach is wholly inconsistent with the statutory framework.

23. The consistent judicial view has been that the Magistrate, while exercising powers under [Section 175\(3\)](#) of BNSS, is not expected to appreciate evidence, determine admissibility of documents, reconcile rival factual versions or examine the probable defence of the proposed accused. Those are matters falling squarely within the province of investigation and, if necessary, trial. The Magistrate is only required to satisfy himself that the complaint discloses cognizable offences and that police investigation is necessary. It is in the above legal backdrop that the impugned order requires examination.

24. The Court should also not accept the submission that the learned Magistrate was required to undertake an elaborate enquiry before directing investigation. The legislative purpose behind [Section 175\(3\)](#) of BNSS is to ensure that where the police fail to discharge their statutory obligation to investigate cognizable offences, the Magistrate may require them to do so. The satisfaction contemplated under the provision is only a prima facie _____ Page 14 of 24 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4155 CRL RC No. 919 of 2026 satisfaction based upon the allegations contained in the complaint and the accompanying materials. The Learned Magistrate is not expected to pronounce upon the reliability of witnesses, weigh competing probabilities or finally determine disputed rights. Those functions commence only after investigation has yielded material capable of judicial scrutiny.

25. The submission, though attractively presented, overlooks a settled principle that the existence of civil proceedings does not create an embargo upon the operation of criminal law where the allegations independently disclose the commission of cognizable offences. The true test is not whether civil proceedings exist, but whether the ingredients of penal offences are prima facie made out. If the allegations disclose offence of forgery, fabrication of documents, cheating and criminal conspiracy or any other cognizable offence, the investigating agency is under a statutory obligation to investigate irrespective of the pendency of civil litigation. Civil liability and criminal liability operate in distinct fields. The existence of one does not necessarily exclude the other.

26. In this case, on a plain reading of the complaint preferred by the Revision Petitioner against the Respondents 3 and 4, it is certainly clear that the averments made in the complaint disclose the commission of cognizable offences, namely, forgery, fabrication of documents, cheating and criminal conspiracy and hence, registration of an FIR and proper investigation are mandatory and that the dispute is relating to civil rights, cannot be a ground _____ Page 15 of 24 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4155 CRL RC No. 919 of 2026 to deny registration of an FIR and proper investigation, when the allegations prima facie disclose offences of forgery, fabrication of documents, cheating and criminal conspiracy, which are cognizable offences. Hence, this Court is of the view that the Court below erred in exceeding its jurisdiction, by conducting a mini trial and refusing to direct to register an FIR and for proper investigation, on the ground that the dispute is civil in nature.

27. In 2026 INSC 362 (Accamma Sam Jacob Vs. The State of Karnataka), the Honourable Supreme Court was pleased to observe as under:-

“51. In our considered view that the fact that the judgement of the High Court, dated 25th October, 2016, has already been set aside by this Court itself furnishes a sufficient ground to condone the delay and extended similar relief in the present batch of appeals. Upon a careful perusal of the judgements passed by the High Court i.e. one in the present appeals and the other in the case involving Joseph Chacko, as the accused, we find that the reasoning adopted by the High Court in both cases proceeds on substantially identical lines and rests on the same foundational premise, namely, that the dispute between the parties is predominantly civil in nature and that criminal proceedings could not be sustained unless the registered sale deeds were first cancelled by resorting to proceedings under [Section 31](#) of SRA. In such circumstances, the

divergence in attribution cannot be a ground to discard the present complaints at the threshold. On the contrary, the existence of rival narratives in respect of the similar allegations underscores the necessity of a proper investigation to ascertain the identity and role of the persons involved.

56. In the facts and circumstances noted above, it was not at all justified for the High Court to have quashed the proceedings merely on the ground that the dispute appeared to be civil in nature. It is well settled that the mere existence of a civil remedy does not by itself bar criminal proceedings where the allegations prima facie disclose commission of cognizable offence. By entering into an evaluation of the dispute on merits and proceeding to quash the order directing investigation, the High Court effectively stifled the investigative process at its inception.

_____ Page16 of 24 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4155 CRL RC No. 919 of 2026 Such an approach runs contrary to the principles consistently laid down by this Court.”

28. In 2026 INSC 619 (Nazibul Rahimkhan and others Vs. State of UP), the Honourable Supreme Court was pleased to observe as under:-

“23. Having considered the matter in depth, we find a case for interference has been made out. The undisputed fact is that the Respondent no.2 had alleged creation of a forged Power of Attorney and use thereof by the Appellants in executing a sale deed in a suit filed by her way back in the year 2001. It is also an admitted position that these are the allegations in FIR.No.172 of 2024, filed by the Respondent no.2 against the Appellants. Thus, the stark question which requires to be satisfactorily answered by the Respondent no.2 in the present case is as to why she did not institute criminal proceedings for about 23 years, at the minimum, from the date on which such alleged crime came to her knowledge. At this juncture, it is important to indicate that it is no longer res integra that upon the same cause of action and based on the same set of facts/ circumstances, both civil and criminal proceedings can be maintainable. (refer [S.N.Vijayalakshmi Vs. State of Karnataka](#), 2025 SCC Online SC 1575). However, if the aggrieved person wishes to invoke civil as also criminal remedies, there should not be an unreasonable or inordinate gap between instituting the two. The initiation or setting into motion of a civil proceedings indicates that a full fledged trial is required relating to the veracity of the wrongs allegedly committed by the other side which would have to be in tune or in accordance with law upon evidence being taken by the Court concerned.”

29. In 2024 SCC Online SC 507 ([State of MP Vs. Shilpa Jain](#)), the Honourable Supreme Court was pleased to observe as under:-

“11.Having considered the materials on record, we are of the considered opinion that neither does the present case satisfy any of the parameters [laid down by](#) this Court in Bhajan Lal (Supra) warranting the exercise of jurisdiction under [Section 482](#) of the CrPC vis-à-vis the quashing of an FIR; and nor can the allegation(s) levelled against the accused person(s) be classified as ‘purely civil in nature’ or merely ‘cloaked as a criminal offence’. Undoubtedly, the genesis of the present dispute emanates from civil proceedings _____ Page17 of 24 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4155 CRL RC No. 919 of 2026 qua the possession of the Suit Property, however, the dispute in its current avatar i.e. as is discernible from the allegation levelled against the Respondents in the FIR, has certainly undergone a metamorphosis into a criminal dispute which ought not to have been scuttled at the threshold, and in fact ought to have been considered on its own merits, in accordance with law. ”

30. The Hon'ble Supreme Court of India in [Rocky vs State of Telangana & Anr.](#) [2025 INSC 1384] vide order dated 04.12.2025 was pleased to observe as under:

“24. The appellant's core contention, that the dispute is purely civil in nature, is untenable at this stage. Although courts must guard against giving criminal colour to civil disputes, it is equally well settled that the existence of civil remedies does not preclude criminal prosecution where the allegations disclose the essential ingredients of an offence. Civil and criminal proceedings may validly coexist if the factual matrix supports both.”

31.The Hon'ble Supreme Court of India in [C.S. Prasad vs C.Satyakumar & Anr.](#) (2026 INSC 39) vide order dated 08.01.2026 was pleased to observe as under:

“26. In the impugned order, the High Court has quashed the proceedings primarily on the ground that the validity of the settlement deeds has been upheld in the proceedings before the Civil Court. We are of the view that this approach adopted by the High Court is not correct. It is a settled principle of criminal jurisprudence that civil liability and criminal liability may arise from the same set of facts and that the pendency or conclusion of civil proceedings does not bar prosecution where the ingredients of a criminal offence are disclosed. In Kathyayini vs. Sidharth P.S. Reddy and Others, this Court had made it crystal clear that "pendency of civil proceedings on the same subject matter, involving the same parties is no justification to quash the criminal proceedings if a prima facie case exists against the accused persons.”

27. Adjudication in civil matters and criminal prosecution proceed on different principles. The decree passed by the Civil Court neither _____ Page18 of 24 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4155 CRL RC No. 919 of 2026 records findings on criminal intent nor on the existence of offences such as forgery, cheating, or use of forged documents.

Therefore, civil adjudication cannot always be treated as determinative of criminal culpability at the stage of quashment. Moreover, in the case at hand, the civil proceedings have not attained finality.

28. Adjudication of forgery, cheating or use of forged documents in relation to a settlement deed will always carry a civil element.

Therefore, there cannot be any general proposition that whenever dispute involves a civil element, a criminal proceeding cannot go on. Criminal liability must be examined independently."

32. Having held that the civil proceedings does not constitute a legal embargo upon criminal investigation, the next question that falls for consideration is whether the complaint, when read as a whole and without embarking upon an appreciation of its truthfulness, discloses the commission of cognizable offences warranting investigation under Chapter XIII of BNSS.

33. At the outset, it requires to be emphasised that at the stage of directing investigation under [Section 175\(3\)](#) of BNSS, the Court is not expected to meticulously dissect the complaint sentence by sentence with a view to ascertain whether every allegation would ultimately culminate in conviction. Such an exercise belongs exclusively to the stage of trial. The complaint has to be read as a whole, in a commonsense and pragmatic manner, without either magnifying insignificant discrepancies or importing technicalities which are wholly alien to the stage of commencement of investigation.

34. [Section 175\(3\)](#) of BNSS states:

"175(3):- Any Magistrate empowered under [Section 210](#) may order such an _____ Page19 of 24
<https://www.mhc.tn.gov.in/judis> 2026:MHC:4155 CRL RC No. 919 of 2026 investigation as abovementioned."

35. The words "as abovementioned" obviously refer to [Section 175\(1\)](#) of BNSS, which contemplates investigation by the officer in charge of the Police Station."

36. [Section 175\(3\)](#) of BNSS provides for a check by the Magistrate on the police performing its duties under Chapter XIII of BNSS. In cases where the Magistrate finds that the police has not done its duty of investigating the case at all, or has not done it satisfactorily, he can issue a direction to the police to do the investigation properly, and can monitor the same.

37. The power in the Magistrate to order further investigation under [Section 175\(3\)](#) of BNSS is an independent power, and does not affect the power of the investigating officer to further investigate the case even after submission of his report vide [Section 193\(9\)](#) of BNSS. Hence the Magistrate can order re-opening of the investigation even after the police submits the final report, vide [State of Bihar v. A.C. Saldanna](#), (1980) 1 SCC 554 (SCC: para 19).

38. In my opinion [Section 175\(3\)](#) of BNSS is wide enough to include all such powers in a Magistrate which are necessary for ensuring a proper investigation, and it includes the power to order registration of an F.I.R. and of ordering a proper investigation if the Magistrate is satisfied that a proper investigation has not been done, or is not being done by the police. [Section 175\(3\)](#) BNSS, though briefly worded, in my opinion, is very wide and it will include all such incidental powers as are necessary for ensuring a proper _____ Page20 of 24 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4155 CRL RC No. 919 of 2026 investigation.

39. It is well-settled that when a power is given to an authority to do something it includes such incidental or implied powers which would ensure the proper doing of that thing. In other words, when any power is expressly granted by the statute, there is impliedly included in the grant, even without special mention, every power and every control the denial of which would render the grant itself ineffective. Thus where an Act confers jurisdiction it impliedly also grants the power of doing all such acts or employ such means as are essentially necessary to its execution.

40. As I have already observed above, the Magistrate has very wide powers to direct registration of an FIR and to ensure a proper investigation, and for this purpose he/she can monitor the investigation to ensure that the investigation is done properly (though he cannot investigate himself).

41. The allegations are not bereft of particulars. Dates have been furnished. The nature of the occurrence has been described. The identity of the principal participants has been disclosed. The Revision Petitioner has also disclosed the immediate steps taken by him after the occurrence, namely, lodging complaints before the police authorities and approaching superior police officers. The complaint is therefore neither vague nor omnibus. It contains sufficient factual particulars to justify commencement of investigation.

42. In view of the above discussions, reasons and in the light of the decisions, [referred to above](#), this Court is of the view that though the complaint _____ Page21 of 24 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4155 CRL RC No. 919 of 2026 apparently and prima facie discloses cognizable offences, warranting investigation, the Court below erred in exceeding its jurisdiction, by conducting a mini trial and refusing to direct the concerned Police to register an FIR and for conducting proper investigation, on the ground that the dispute is civil in nature and hence, the impugned order is liable to be set aside.

43. In the result, this Criminal Revision Case is allowed. The impugned order, dated 27.11.2025, passed in CrI.MP.No.2280 of 2025, by the Judicial Magistrate II, Chengalpattu, is set aside and further, in view of the above discussions, reasons and in the light of the decisions, [referred to above](#), the case is remanded back to the learned Judicial Magistrate-II, Chengalpattu, with a further direction to pass an appropriate order, directing the 2 nd Respondent, the Inspector of Police, District Crime Branch, Chengalpattu District,

to register an FIR and investigate the matter properly and submit its report, in accordance with law. The above exercise shall be completed within a period of eight weeks, from the date of receipt of a certified copy of this order. There shall be no order as to costs.

44. Let a copy of this order be sent by the Registry of this Court to the learned Judicial Magistrate-II, Chengalpattu District, for its necessary compliance and information, forthwith.

09-10-2026 _____ Page22 of 24 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4155 CRL RC No. 919 of 2026 Index: Yes/No Speaking/Non-speaking order Neutral Citation: Yes/No SRCM To

1. The Superintendent of Police, Chengalpattu District.

2. The Inspector of Police, District Crime Branch, Chengalpattu District.

3. The Public Prosecutor, Madras High Court, Madras _____ Page23 of 24 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4155 CRL RC No. 919 of 2026 SHAMIM AHMED, J.

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