Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

WP Crl. No. 2481 of 2026
and
WPMP Crl. No.918 of 2026

Case QR

CNR: {HCMA012217182026}

V.K.Ramamoorthy
S/o.V.Kothandarama Naidu,
No.18, Ramanathan Street,
Alagappa Nagar,
Kilpauk,
Chennai.

..Petitioner(s)

Vs

1. The Commissioner of Police
   Greater Chennai Police,
   Periyar EVR Road,
   Vepery,
   Chennai.

2. The Deputy Commissioner of Police,
   Maduravoyal Range,
   Poonamallee High Road,
   Chennai.

3. The Inspector of Police,
   T4, Maduravoyal Police station,
   Poonamallee High Road,
   Chennai.

4. Sadhasivam
   Trustee of M/s.Sri Jaya Educational Trust,
   Having its office at No.1,
   VOC 1st Street,
   Kodambakkam,
   Chennai.

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..Respondent(s)

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PRAYER

This Writ Petition is filed under Section 226 of the Constitution of India, praying to issue a writ, order or direction, more particularly in the nature of a WRIT OF CERTIORARIFIED MANDAMUS calling for the records pertaining to the Investigation report dated 10.06.2026 reporting closure of the petitioner's complaint dated 28.02.2026 stating to resolve the disputes in civil court, without proper investigation of the criminal offences made out in the petitioner's complaint and the reported actions being in violation of the orders of this Honble court and various earlier orders, quash the said Investigation report dated 10.06.2026 same as illegal and unsustainable, and consequent direction to conduct a fresh and proper enquiry into the petitioner's complaint dated 28.02.2026 and, register an FIR and proceed in accordance with law.

For Petitioner(s):	Mr.Om Prakash, Senior Counsel For Mr.G.Vidushi
FOR R1 TO R3:	Mr.R.Rajasekaran Government Advocate (Crl.Side)
FOR R4	B.Hari Krishnan

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1. The petitioner asks this Court to quash a report of the third respondent dated 10.06.2026 closing his complaint dated 28.02.2026, and to direct the police to enquire into the complaint afresh, register a First Information Report and proceed. The complaint is against Sri Jaya Educational Trust, of which the fourth respondent is a trustee. I shall call it the Trust.

2. The dispute is over land in Survey No. 13/1A1 of Maduravoyal Village, and it has been before one court or another for more than sixty years. The facts that lead to this petition are these.

3. The parents of the petitioner sued in O.S. No. 164 of 1958 before the District Munsif, Poonamallee, against one Sivakolundammal and others, and obtained a decree on 27.06.1963, which this Court restored in S.A. No. 1598 of 1965. Fresh suits followed. The family of the petitioner filed O.S. Nos. 336 and 338 of 1994 for injunction. Sivakolundammal and her family filed O.S. No. 339 of 1994 for injunction and O.S. No. 203 of 1996 for declaration of title and injunction. The Trust, which purchased a part of the land from Sivakolundammal under a sale deed dated 04.12.1997 while the suit was

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pending, was the eighth plaintiff in that suit. By a common judgment dated 22.01.2010 the Sub Court, Poonamallee, decreed O.S. No. 203 of 1996 and O.S. No. 339 of 1994 and dismissed the suits of the petitioner.

4. The petitioner and his siblings did not go first in appeal. They filed W.P. Nos. 1520 to 1525 of 2010 to quash the decree and to have possession restored to them, saying that they had been forcibly dispossessed on the day of the decree. On 28.01.2010 and 01.02.2010 the learned single Judge recorded the undertaking of counsel for the Trust that no construction or other activity would go on in the property and that it would not be alienated or encumbered. The Trust appealed in W.A. Nos. 379 and 380 of 2010. A Division Bench disposed of the appeals and the writ petitions together on 01.04.2010. It held that the proper course for the petitioner was the regular first appeal, which he had by then presented. The Trust filed a memo signed by its Chairman. Paragraph 4 of the memo said that the undertaking recorded on 28.01.2010 and 01.02.2010 *"may continue till the disposal of the interlocutory application, if any, filed"*. Paragraph 6 of the memo reads:

> *"6. Both parties, viz., V.K.Ramamurthy and Sri Jaya Educational Trust shall maintain "status quo" until the disposal of the interlocutory application, by the first Appellate Court. During this period, there shall also be no pattah transfer / change of name in respect of electricity connection or permanent electricity*

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connection/ telephone connection / metro water connection or creation of any document with any third party thereby creating any cloud on title. Both parties shall not create any mortgage/s of any kind or enter into any Agreement/s in respect of the suit property."

5. On that memo the Division Bench ordered, in paragraph 12, that *"Both the parties will maintain complete status quo with respect to the property until the interlocutory application is heard and decided by the first appellate court."* In paragraph 13 it recorded the statement of counsel for the petitioner that office objections in the appeal would be removed within two weeks and that the interlocutory prayers would be placed before the appellate court within two weeks. The Trust was to file its counter within two weeks of receiving the application, and the appellate Judge was requested to decide it *"preferably by the end of June 2010"*. In paragraph 14 the memo was taken on record, with the words that *"it binds on the appellant herein and the original plaintiffs"*. The writ petitions were then not pressed.

6. The appeal was numbered as A.S. No. 3 of 2011 on the file of the District Court, Tiruvallur. On the application of the Trust it was dismissed on 28.03.2012 as barred by limitation by three days. The petitioner came to this Court in S.A. No. 981 of 2012. The Supreme Court condoned the delay on 02.12.2014 and sent the second appeal back to this Court. In the meantime the

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Trust had brought to notice that the petitioner and his siblings had received Rs.1,12,09,983/- as compensation for a part of the suit land acquired for the highway, without disclosing the suit and the decree. By its judgment dated 30.11.2020 this Court held that the money was an unjust benefit, and directed the petitioner to deposit his share of Rs.17,00,000/- with interest to the credit of O.S. No. 203 of 1996 as the condition for restoring the first appeal, failing which he and his siblings would forfeit the right of appeal. The deposit was made. The appeal was restored and is still pending.

7. There was one more round. The Trust filed W.P. No. 14639 of 2021 to cancel the patta standing in the names of the petitioner and his siblings, saying that it had been obtained by suppressing the litigation. The writ petition was dismissed on 22.01.2025. In W.A. No. 2298 of 2025 a Division Bench directed on 29.07.2025 that the patta and the revenue records be kept in abeyance to await the decision in A.S. No. 3 of 2011, and that they reflect the pendency of the appeal.

8. I come to the present complaint. The petitioner says that on 26.02.2026 he found men at work on the land getting ready to build, that they told him the Trust had sent them, and that the work went on the next day. He sent a complaint dated 28.02.2026 to the police by post. He also filed I.A. No. 11 of

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2026 in the appeal, on an affidavit dated 03.03.2026, for an injunction against altering the nature of the property. He then filed W.P.(Crl.) No. 766 of 2026 for a direction to the police to act on the complaint. That petition was closed on 03.08.2026 on the statement for the State that the complaint had been enquired into and closed. The report now under challenge says that the petitioner and the fourth respondent were enquired on 12.04.2026 and 13.04.2026, that litigation over the property is pending in the civil courts and that W.P.(Crl.) No. 766 of 2026 was pending. It advises the petitioner to settle the matter before the court and says that action on the complaint is closed.

9. Learned counsel for the petitioner made these submissions. [a] The complaint discloses criminal trespass and intimidation, and the police were bound to register a case as held in **Lalita Kumari v. Government of Uttar Pradesh, (2014) 2 SCC 1**. To close a complaint because a civil case is pending is no enquiry at all. [b] The construction is in breach of the undertaking of the Trust and of the order of status quo dated 01.04.2010, both of which continue because the appeal is pending. [c] The appeal has remained pending for reasons beyond the control of the petitioner. [d] The petitioner need not move in contempt and need not go before the Magistrate, because an entry made in breach of an undertaking given to this Court is criminal trespass, which the police must register.

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10. Learned counsel for the fourth respondent submitted as follows. [a] The undertaking has ceased to exist. The petitioner did not keep to the steps and the time fixed in paragraph 13 of the order dated 01.04.2010. He himself broke the status quo by getting patta in his name and by taking the compensation, which this Court later made him deposit. [b] The Trust is in possession under a decree, there can be no trespass by it, and the occurrence is denied. [c] If there is a breach, the remedy is contempt or the appellate court, and for registration of a case it is Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). A writ petition does not lie. He relied on **P.R. Murlidharan v. Swami Dharmananda Theertha Padar, (2006) 4 SCC 501** and on the Division Bench of this Court in **G. Prabakaran v. Superintendent of Police, (2018) 4 MLJ (Crl) 513**, and on three other orders to the same effect. [d] A second writ petition on the same complaint is an abuse of process.

11. I have considered the rival submissions and perused the material placed before me.

12. Two questions arise. The first is whether the undertaking given by the Trust, and the order of status quo dated 01.04.2010, have ceased to exist. The second is whether, on this record, the report should be quashed and the police directed to register a case.

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13. I take the first question, and begin with the words of the order. The memo of the Trust and paragraph 12 of the order fix the end of the undertaking and of the status quo by an event, which is the hearing and decision of the interlocutory application by the first appellate court. They fix no date. June 2010 appears only in the request made to the appellate Judge, and the word used is "preferably". Paragraph 13 records what counsel for the petitioner said about the steps he would take. The Division Bench did not say that the undertaking or the status quo would lapse if those steps were taken late. Where this Court meant a default to carry a consequence in this very litigation, it said so. The judgment in S.A. No. 981 of 2012 says in terms that on failure to deposit the petitioner would forfeit his right of appeal. There are no such words in the order dated 01.04.2010, and I cannot read them into it.

14. Nor does the record bear out that the petitioner moved no application. The counter affidavit of the fourth respondent in this petition says, in paragraph 20, that six interlocutory applications were filed in the appeal and that counsel for the Trust had notice of them in February 2011. They were not numbered or heard before the appeal was dismissed in March 2012. There was delay, and the petitioner must answer for it before the appellate court. Delay in getting an application heard is a different thing from the end of an undertaking given to this Court.

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15. An undertaking recorded by the Court and declared by it to be binding stands on the footing of an order. Its wilful breach is civil contempt under Section 2(b) of the Contempt of Courts Act, 1971, as held in **Rama Narang v. Ramesh Narang, (2006) 11 SCC 114**. An order of a court has to be obeyed for as long as it stands, even by a party who believes that it ought not to bind him, as held in **Tayabbhai M. Bagasarwalla v. Hind Rubber Industries (P) Ltd., (1997) 3 SCC 443**. A party who thinks that his undertaking has outlived its purpose, or that the other side has lost the benefit of it, has to apply to the Court that accepted it and ask to be discharged. He cannot release himself. In sixteen years the Trust has made no such application.

16. It is true that when the appeal was dismissed on 28.03.2012 the applications in it fell with it. But that dismissal has been set aside and the appeal is back on file. When a suit dismissed for default is restored, the interlocutory orders made in it revive unless the court says otherwise, as held in **Vareed Jacob v. Sosamma Geevarghese, (2004) 6 SCC 378**. I see no reason why an appeal restored by the order of a superior court should stand differently. The judgment dated 30.11.2020 does not say otherwise. The case status of the appeal as on 04.11.2026, filed by the Trust, shows interlocutory applications of 2021, 2023, 2025 and 2026 pending. None has been decided. The event that was to end the undertaking has not happened.

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17. The conduct of the petitioner does not alter this. The memo bound both sides, and it forbade a transfer of patta. The patta and the compensation were both brought before this Court by the Trust, and both were dealt with, the one by keeping the revenue records in abeyance and the other by the deposit. On neither occasion did this Court hold that the Trust stood released, and on neither did the Trust ask for that. An undertaking to the Court is owed to the Court. It is not a bargain between the parties that one of them may treat as ended when the other defaults. The answer to a breach is to bring it before the Court, which is what the Trust did twice. I must add that the counter affidavit of the fourth respondent itself speaks of a lease dated 21.04.2011 granted by the Trust to a third party when the appeal was pending, though the memo says that neither party shall *"enter into any Agreement/s in respect of the suit property"*. Whether that was a breach is not for me to decide here. I notice it only because the Trust rests its release on the breaches of the other side.

18. The stand of the Trust has also not been the same throughout. In paragraph 20 of the counter affidavit the fourth respondent says that the undertaking and the status quo "have been honoured", and in paragraph 14 that it is the petitioner who is disturbing the status quo. In W.A. No. 2298 of 2025 the Trust obtained an order holding the revenue records in abeyance till the appeal is decided. A party cannot hold its opponent to the status quo and say in the same breath that it is itself free of it.

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19. The first question is therefore answered against the fourth respondent. The undertaking recorded on 28.01.2010 and 01.02.2010 and continued by the memo, and the direction in paragraph 12 of the order dated 01.04.2010 to maintain complete status quo, have not ceased to exist. They bind the petitioner and the Trust alike until the interlocutory applications in A.S. No. 3 of 2011 are heard and decided, or until this Court discharges or varies them. I record no finding on whether the Trust did put up construction in February 2026. The Trust denies it and the petitioner has filed photographs. That is a question of fact for the court that tries the breach.

20. I turn to the second question. It does not follow from the answer to the first that the police must register a case. The complaint is in Tamil. It says that men were at work to put up construction, that they said the Trust had sent them, that the work went on the next day, and that this was being done with knowledge of the orders of the High Court and of the pending appeal in order to change the nature of the suit property. It asks that a case be registered against the Trust. It does not speak of any threat, assault, use of force or hired men. Those allegations appear for the first time in the affidavit filed in this Court. The police can be faulted only on what was placed before them.

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21. Criminal trespass under Section 329 of the Bharatiya Nyaya Sanhita, 2023 is entry upon property in the possession of another, with the intent the section describes. The case of the petitioner all along has been that he was dispossessed on the day of the decree in January 2010. He asked for restoration of possession in the writ petitions of 2010, the Division Bench left him to apply to the appellate court, and that prayer is still pending there. The decree that declares title against him and restrains him stands, though under appeal. In the affidavit in this petition he speaks of continuous possession. That cannot be reconciled with his own earlier pleadings and I cannot act on it. On his own showing the land was not in his possession on 26.02.2026. The complaint therefore did not disclose criminal trespass. Who has the better title, and whose possession is lawful, are matters for the appeal and I say nothing on them.

22. What the complaint does disclose is an alleged breach of the undertaking and of the status quo. That, if proved, is civil contempt. The power to punish it, and to undo what has been done in breach, lies with this Court under the Contempt of Courts Act, 1971 and with the appellate court in the applications pending before it. The police have no part in it. A breach of an undertaking does not become criminal trespass because the undertaking was given to the High Court. The submission that the petitioner need take neither course cannot be accepted. As held in **P.R. Murlidharan** (cited supra), a writ

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petition for a direction to the police cannot be made the forum for deciding civil rights that are before the civil court.

23. The report is brief, and the reason it gives, that civil litigation is pending, is by itself no answer to a complaint that discloses a cognizable offence. But its conclusion is right for the reasons I have given, and to quash it would serve no purpose. Even otherwise, a person aggrieved by the refusal of the police to register a case has his remedy before the Magistrate under Section 175(3) of the BNSS, and this Court does not ordinarily step in, as held in **Sakiri Vasu v. State of Uttar Pradesh, (2008) 2 SCC 409**, in **M. Subramaniam v. S. Janaki** (Criminal Appeal No. 102 of 2011, order dated 20.03.2020) and in **G. Prabakaran** (cited supra). Nothing in this case takes it out of that rule. If the petitioner has material of intimidation or force, that remedy is open to him.

24. The objection that this is a second petition on the same cause is rejected. The earlier petition was closed on the statement of the State without any decision, and this one challenges the closure.

25. One thing remains. The decree is of January 2010. The Division Bench had asked that the interlocutory application be decided by June 2010.

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Sixteen years later it has not been decided, and each side blames the other. The longer it remains undecided, the more this dispute will come to the police station and to this Court.

26. **In the result, this Writ Petition is dismissed.** The following shall, however, govern the parties.

[a] The undertaking of the Trust and the order of status quo dated 01.04.2010 continue to bind both sides, as held in paragraph 19 above.

[b] The petitioner is at liberty to move this Court in contempt for the breach he alleges, to press I.A. No. 11 of 2026 before the appellate court, and to approach the jurisdictional Magistrate if he has material of any cognizable offence.

[c] The learned Principal District Judge, Tiruvallur, shall hear and decide I.A. No. 11 of 2026 and the other interlocutory applications pending in A.S. No. 3 of 2011 within four weeks from the date of receipt of a copy of this order, and shall make every endeavour to dispose of the appeal itself within six months thereafter.

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27. Except for the answer to the first question in paragraph 19, the observations in this order are confined to the disposal of this petition. They shall not influence the appellate court in the appeal or in the interlocutory applications, or any court before which a contempt petition or a complaint may be brought, on title, on possession or on whether any construction was put up.

28. There shall be no order as to costs. W.M.P.(Crl.) No. 918 of 2026 is closed.

19-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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Note: The Registry shall send a copy of this order to the learned Principal District Judge, Tiruvallur.

Copy to

The Principal District Judge, Tiruvallur

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N.RAMESH, J.

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