



In the Court of District Munsif cum Judicial Magistrate, Natham  
Present: Tmt.J.Aafreen Begum, M.Com., L.L.M.,  
District Munsif cum Judicial Magistrate, Natham  
Dated this the 25th day of March 2026

**Cr.M.P. No.953/2025**

A.Soorandi (55/2025),  
S/o. Alagan Ambalam @ Mandayan,  
7/30(2), Idayapatty,  
Natham Taluk, Dindigul District.

...Complainant

/Vs/

1. T.Chinnasamy,  
S/o.Thirumalai,  
Idayapatty,  
Natham Taluk, Dindigul District.

2. C.Lakshmi,  
W/o.Chinnasamy,  
Idayapatty,  
Natham Taluk, Dindigul District.

... Accused

This petition coming on this day for final hearing before me in the presence of Tr.P.Pothiyalagan, M.Sc., B.L., the learned counsel for the Complainant and Mrs.A.P.Amsavalli the learned counsel for the Accused after hearing both side arguments, perusing the written reply submitted by the respondent and records this court delivers the following:

## **ORDER**

This petition is filed under Section 223 of Bharatiya Nagarik Suraksha Sanhita, 2023 to punish be the accused persons appropriately both by way of imprisonment and fine for the offences under section 329(3), 303(2), 126(2), 351(3), 296(b) of BNSS, 2023 .

### **2. Brief averments of the Petition:**

The Complainant is filing the present Private Complainant against the accused seeking to punish the accused for indulging into an illegal activities and being a life thread to the defacto complainant. The accused herein is an adjacent property owner unlawfully entered the complainant's land which has been peacefully possessed to by four title holders name Pothiammal, Alagappan, Soorandi, Veeranan since 1986, with all revenue receipts duly paid. The accused actions have severely impacted the complainant and their family's mental wellbeing leading to depression and distress. The accused herein has been continuously harassing the complainant in so many ways. On 30.04.2025 the 1 and 2 accused herein and some unknown persons unlawfully entered and cut down the trees which were there in the complainants land bearing S.No.67/4, Patta No.240 which is located in Chellapanaicken Patty revenue village here in natham taluk and thereafter the accused herein hired a tractor bearing (TN 25 AE 5742) to shit the cut down trees and sold the same on 04.05.2025. On the same day the complainant herein has stop the tractor when the accused herein wanted to sell the trees to a third party, unfortunately the complainant could not stop the unlawful activities committed by the accused herein. Thereafter 22.05.2025 the accused herein hired the above numbered tractor again and unlawfully entered plough the above said land. The complainant states that Prior to 1986 the complainants father Alagan Ambalam alice Mandayan who had an absolute title over the said property and to prove their long time enjoyment and peaceful possession through the kist receipts duly paid since 1986 to till now date by the complainant and his brother's. The 1<sup>st</sup> accused herein is an adjacent land owner whose father Thirumalai and the

Complainant's father have partitioned their shares long time ago. Both the accused herein claims that his father's share was not given in a fair way and he also thinks and says that his father's share is still remaining in the above said survey number. But the real fact is that the Complainant's father and the 1<sup>st</sup> accused father had partitioned their shares and obtained separate pattas on their names to their respective properties. Hence, the Complainant prays that the accused, adjudicate and punish the accused person for offences committed under sections 329(3), 303(2), 126(2), 351(3), 296(b) BNSS.

**4. The point for determination is whether the petition is liable to be allowed? or not?**

#### **5. Finding**

The complainant has preferred this private complaint under Section 223 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. It is the case of the complainant that the accused persons, who are adjacent landowners, committed criminal trespass into the complainant's ancestral property situated at S.No. 67/4, Patta No. 240, Chellapanaicken Patty Village, on 30.04.2025 and 22.05.2025. The complainant further alleges that the accused illegally felled trees, ploughed the land, and transported the timber using a tractor bearing registration number TN 25 AE 5742 for subsequent sale. While the accused purportedly claim an interest in the property based on a prior partition, the complainant asserts that the subject land has remained in the exclusive and peaceful possession of their family since 1986, supported by duly paid revenue records.

5.2) The Sworn Statement of the Complainant was duly recorded under Section 223 of the BNSS, 2023. The Complainant submitted that there are no other witnesses to be examined on his side. In his testimony, he stated that on 30.04.2025, the accused felled the trees. When questioned about this, the accused reportedly chased and assaulted both him and his elder brother's wife, Periyazhagi. On

04.05.2025, the accused transported and removed the felled timber. Furthermore, he testified that on 22.05.2025 of the same month, the accused, Chinnasamy and Lakshmi, unlawfully entered their land and carried out ploughing activities. However, no medical records or documents have been filed to show that either the complainant or Periyazhagi received treatment at a hospital. Additionally, Periyazhagi has not been cited or examined as a witness in this matter.

5.3) The primary question before this Court is whether there are sufficient grounds for proceeding against the Accused or if the matter is purely of a civil nature. Upon a careful perusal of the complaint and the sworn statement of the Complainant, It shows that the complainant himself admits in the petition that the 1st Accused is an adjacent landowner and that a dispute exists regarding the "fairness" of a prior partition between their fathers. The Accused claims a share in the same survey number.

5.4) The core of the dispute involves the boundaries and ownership rights of S.No. 67/4. The act of "unlawful entry" and "ploughing" as alleged by the Complainant are intrinsically linked to the claim of title and possession. Such matters are properly adjudicated by a Civil Court of competent jurisdiction. To attract sections like 329(3) (Criminal Trespass) or 303(2) (Theft), there must be a clear *mens rea* to commit an offence or intimidate. In this case, the Accused appears to be acting under a *bona fide* claim of right, even if disputed, which negates the essential elements of criminal trespass and theft. The allegations regarding "mental wellbeing" and "harassment" are general in nature and are not supported by specific instances that would satisfy the ingredients of criminal intimidation under Section 351(3) or obscenity under Section 296(b).

5.5) It is a settled principle of law that criminal proceedings should not be used as a shortcut to settle civil property disputes. A civil dispute cannot be given a criminal colour. Allowing this matter to proceed would be an abuse of the process of

the Court. After considering the statements and documents, this Court finds no sufficient ground for proceeding.

**In the result, this petition is dismissed. The Complainant is at liberty to approach the appropriate Civil Court for the adjudication of property rights and boundaries.**

This order dictated by me to the typist and typed by her directly in the computer and corrected and pronounced by me in the open court this 25<sup>th</sup> day of March 2026

District Munsif-cum-Judicial Magistrate,  
Natham.

**Both Side oral and documentary evidence : NIL**

District Munsif-cum-Judicial Magistrate,  
Natham.