

IN THE COURT OF JUDICIAL MAGISTRATE No. II AT KUMBAKONAM

PRESENT: THIRU S. BALADHANDAYUTHAM BSC, B.L.,

JUDICIAL MAGISTRATE No.II

Saturday, the 06th day of June, 2026

CRMP No. 57/2026

Mrs. Ceceli John Cordliya,

W/o. J.Anthoni Samy,

No.23, 5th Street, Sowrastra Nagar,

Choolaimedu,

Chennai.

..... Complainant

-Vs-

State Rep. by

The Station House Officer,

Nachiyarkoil Police Station,

..... Respondent

Proposed Accused Persons:-

Mrs. Sugirtha and others

This case coming up before this Court for final hearing in the presence of Mr.S.B.Viswanathan, learned counsel for the petitioner, and upon hearing the submissions made by the learned counsel and perusing the records, this Court passes the following order...

ORDER

1. The present petition has been filed under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking a direction to the police authorities concerned to register an FIR against the proposed accused persons based on the allegations set out in the petition.

2. Upon numbering of the petition, this Court called for a status report regarding the earlier complaint submitted by the petitioner. In compliance thereof, a status report was received from the Sub-Inspector of Police, Nachiyarkoil Police Station, on 17.03.2026.

3. The crux of the case of the petitioner, as stated in the petition, is as follows:-

The complainant submits that the property bearing Door No. 331, North Street, Palavanthan Kattalai, Bharathi Nagar belongs to her husband, Mr. Anthonisamy, who purchased the same from Mrs. Clarence Mary under a registered Sale Deed dated 16.07.2024. The patta in respect of the said property stands in the name of her husband. It is further submitted that, prior to the execution of the sale deed, the previous owner had let out the property to Mrs. Usha and a tenancy agreement had been entered into between them. After the purchase of the property by her husband, the tenancy agreement was cancelled, and Mrs. Usha agreed to hand over vacant possession of the property to him on 05.12.2025. In the meantime, the said property was allegedly encroached upon by Mrs. Sugirtha, who is stated to have criminally trespassed into the property. Consequently, on 05.12.2025, the complainant submitted a representation to the Inspector of Police, Nachiyarkoil Police Station, seeking appropriate action. However, no action was taken on the said representation. Thereafter, the complainant submitted complaints to the higher police authorities on 15.12.2025. Despite the same, no effective steps were taken by the police authorities on her complaint. Left with no other efficacious remedy, the complainant has approached this Hon'ble Court seeking appropriate directions and relief. Hence, this petition.

4. Submission made in this regard by the Nachiyarkoil Police :-

(i) A complaint was received from the petitioner on 05.12.2025, and the same was registered as CSR No. 892/2025. Subsequently, Mrs. Sugirtha lodged a counter-complaint against the petitioner on 06.12.2025 with respect to the very same property,

and CSR No. 895/2025 was issued. Both complaints were enquired into by the police. The enquiry revealed that one Mr. Agastin, who was serving in the Army and passed away in the year 2013, was the owner of the disputed property. Mr. Agastin was the maternal uncle of Mrs. Sugirtha. It was further revealed that Mr. Agastin had executed a Will in favour of Mrs. Sugirtha, bequeathing the said property to her. Pursuant to the execution of the said Will and the demise of Mr. Agastin, Mrs. Sugirtha is stated to have taken possession of the disputed property and has been in possession and enjoyment of the same from the year 2013 onwards.

(ii) It was further revealed during the enquiry that the petitioner's husband had purchased the disputed property from Mrs. Clarence Mary. It is stated that Mrs. Clarence Mary had been residing with Mr. Agastin, and a son, namely Vinoth @ Arokiyaraj, was born to them. After the demise of the said son, Mr. Agastin is alleged to have transferred the property in favour of Mrs. Clarence Mary. The enquiry further disclosed that both parties claim rights over the disputed property and that revenue records stand in the names of the respective claimants. It was also found that, by proceedings dated 16.02.2022, the Tahsildar, Kumbakonam, cancelled the legal heirship certificate dated 02.11.2018 that had been issued in favour of Mrs. Clarence Mary in respect of Mr. Agastin. Thus, both parties are asserting competing claims over the said property. It was further ascertained that Mrs. Sugirtha had approached the High Court seeking police protection by filing W.P. No. 2595 of 2025 and W.P. No. 6456 of 2025. Upon enquiry and perusal of the available records, it was found that the allegations primarily relate to a civil dispute concerning title and possession of the property. Accordingly, both parties were advised to approach the competent civil forum for appropriate relief, and the CSR was closed.

5. The learned counsel for the petitioner contended that the police had failed to deal with the complaint in accordance with the guidelines laid down by the Hon'ble Supreme Court regarding the registration of FIR's in respect of cognizable offences. The learned

counsel elaborately referred to various procedural lapses allegedly committed by the police in not registering an FIR. However, the submissions of the learned counsel were primarily confined to the procedural aspects relating to the registration of an FIR and the duties of the police. No substantial arguments were advanced with regard to the root of the dispute, the factual matrix of the case, or the findings contained in the status report filed by the police.

6. This Court has carefully perused the petitioner's pleadings, the status report filed by the police, and the supporting documents placed on record. A perusal of the records reveals that the disputed property comprised in R.S. No. 255/41 (Old R.S. No. 158/3A) stands reflected in the revenue records in the names of both Mr. Anthonisamy, the husband of the petitioner, and Mrs. Sugirtha, the proposed accused. It is further seen that Mr. Anthonisamy purchased the said property from Mrs. Clarence Mary under a registered Sale Deed dated 16.07.2024, bearing Document No. 4015 of 2024. The records further disclose that Mrs. Clarence Mary claimed title to the property on the basis of a legal heirship certificate issued in respect of the estate of late Mr. Agastin. However, it is evident from the materials placed before this Court that the said legal heirship certificate was subsequently cancelled by the Tahsildar, Kumbakonam, by proceedings dated 16.02.2022. Thus, the documents placed on record indicate that rival claims are being asserted by the parties with respect to the title and possession of the disputed property.

7. Furthermore, with regard to possession of the disputed property, the materials available on record do not establish that the petitioner or her husband was in actual physical possession of the property at the relevant point of time. It is also pertinent to note that the alleged tenancy arrangement between Mrs. Clarence Mary and Mrs. Usha has not been disclosed or reflected in the Sale Deed executed in favour of the petitioner's husband. In the context of the allegation of criminal trespass, the records

indicate that the person complained against was already asserting possession over the property prior to the alleged occurrence. When rival claims of title and possession exist and the alleged trespasser is shown to be in prior or continuing possession, the dispute predominantly assumes a civil character. Therefore, the question as to lawful title and possession can only be adjudicated by the competent civil court on the basis of evidence.

8. In view of the foregoing discussion, this Court finds that the dispute between the parties is purely civil in nature. The petitioner has attempted to give a criminal colour to the dispute by suppressing material facts, including the proceedings of the Tahsildar and the revenue records reflecting the names of both parties. The petitioner has not approached this Court with clean hands and has sought to misuse the criminal process to settle a civil dispute. Such conduct amounts to an abuse of the process of law. Hence this Court is not inclined to allow the petition.

Accordingly, this Petition is Dismissed.

Typed by me in my laptop, corrected and pronounced in the open Court this the 06 th day of June, 2026.

Judicial Magistrate No. -II,
Kumbakonam.