

**BEFORE THE SESSIONS DIVISION OF VELLORE
DISTRICT, TAMIL NADU.**

Present:-Thiru. M.Elavarasan,
Principal Sessions Judge

Tuesday, the 07th day of April, 2026.

CrI.R.P.No.17 of 2025
CNR.No.TNVL01-003664- 2025

1. B. Vimala(Died)
W/o. Baburajan,

2. R. Baburajan, (M-48)
S/o. Raman,

3. Minor. Venkat Varshan, (M-16),
S/o. Baburajan,

4. Minor. Priya Varshini, (M-14),
D/o. Baburajan,

5. Minor. Jaya Varshini, (M-10),
D/o. Baburajan,

The Minors are represented by their
Father namely Mr. Baburajan

All are residing at
No. 508/A, Arts College Road,
Otteri,
Vellore 632002.

.... Revision Petitioners

-vs-

1. The State represented by
The Inspector of Police
Vellore Taluk P.S.
Vellore District
Tamil Nadu

2. The Superintendent of Police,
Vellore District.

. . . Respondents

This petition was coming before me for final hearing on 24.02.2026 in the presence of Thiru A.D. Sivagurunathan, counsel for the petitioners and, of Thiru M.Parthiban, the learned Public Prosecutor for the respondent and, upon hearing the arguments of both sides and, upon perusing entire case records and, having stood over for consideration till this day, this court deliver the following :-

O R D E R

Criminal revision is filed u/s 440 of the BNSS, 2023 against the order passed in CrI.M.P.No. 8942 of 2022 dated 12.06.2025 by the Judicial Magistrate I, Vellore wherein the petitioner's petition seeking direction to register the FIR was dismissed.

2. Brief facts from the petition in CrI.M.P.No. 8942 of 2022 is as that the petitioners family possessing lands at Sozhavaram Village in Survey Nos. 205/1, 205/2, 205/3 , 203/1 for the total extent of 8.46 acres. The above properties are self acquired properties of the family members of the 1st petitioner and others. The property in survey

No.205/1/2/3 in the name of 1st petitioner and her mother. One Rajendiran S/o Natesan created forged documents. He produced the forged documents, before the district collector Vellore obtained permission to take soil from the land of the 1st petitioner. The said Rajendiran is no way connected with the lands. The said Rajendiran digged 11 feet pits taking soil from the earth using JCB machines and on 23.05.2022, the 1st petitioner and her husband seen that Rajendiran illegally took soil from the land of 1st petitioner worth about 3 Crores. The said Rajendiran is doing illegal mining activities by using forged documents. On 23.05.2022, the 1st petitioner given a petition to the 1st respondent and the 1st respondent refused to receive the petition. Hence the 1st petitioner sent the petitions to the 1st respondent through post on 24.05.2022. The 1st petitioner sent the copy of the petition to the higher officials of the 1st respondent. The 1st petitioner sent the representations to the District Collector, Vellore, Tahsildar Vellore, VAO of Sozhavaram Village, Assistant Director of Mines and Mineral Department, District Revenue Officer, Vellore Superintendent of Police, Vellore, DIG Vellore, RDO Vellore through post. But they failed to take action. It seems that the said Rajendiran submitted the forged documents before the District Collector and obtained the

license for mining activities. The police also enquired the matter, but failed to take action. Hence the petitioner is constrained to file petition seeking direction from this Court to direct the Police to register FIR against Rajendian S/o Natesan.

3. Objection of the 1st respondent in CrI.M.P.No. 8942 of 2022 is as that the 1st respondent conducted detailed enquiry and submitted the report before the court on 11.01.2023. In which the 1st respondent stated that the matter is purely a civil dispute and the petitioner given a criminal colour to the case and prayed to dismiss the petition.

4. The trial Court after considering the records available on hand dismissed the petition on 12.06.2025. Aggrieved against the same the petitioners filed this revision under following grounds:-

- The Trial Court failed to appreciate that the revision petitioner had placed substantial documentary evidence establishing that the properties in Survey Nos.205/1, 205/2 and 205/3 are the self-acquired properties of the deceased 1st revision petitioner. The respondent Rajendiran, who has no manner of right, title or interest in the said lands, had created forged documents and submitted them before the District Collector, Vellore, to obtain permission for soil excavation and removed soil worth about ₹3 Crores.

- The Trial Court completely ignored the fact that the deceased 1st revision petitioner gave a complaint dated 23.05.2022 and the same was willfully refused by the 1st respondent police, forcing her to send the same through RPAD on 24.05.2022 and also to multiple revenue and mining authorities. Despite more than 20 documents filed by the revision petitioners, all of which were marked, the learned Judge failed to appreciate that the accused, namely Murugesan Thiyagarajan, Rajendiran and Dhineshraj, had fabricated an unregistered lease deed dated 16.08.2021 and an unregistered "No Objection Deed" dated 18.10.2021 by forging the signatures and initials of the deceased Vimala and her mother Selvarani. The initials of Selvarani were deliberately altered from "S" to "A," which itself proves fabrication. The forged documents were subsequently used by the accused before the VAO, RI, Zonal Deputy Tahsildhar, Tahsildhar and RDO to fraudulently secure mining permissions.
- The trial court has erred in not considering the fact that the Assistant Director Mines and Mineral, Vellore also issued trip sheet to the said Rajendiran based on the impugned order passed by the collector, Vellore, Assistant Director of Mines and Minerals had given trip sheet to the Rajendiran for the period from 29.03.2022 to 26.06.2022. Based on the fake trip sheet the said Rajendiran had committing the theft of the soil for a period of one month.

- The Trial Court failed to examine the authenticity of the alleged lease deed, the signatures of the deceased 1st revision petitioner and Selvarani, or to summon the revenue officials who played a direct role in fabricating the documents.
 - The Trial Court ignored the fact that the revision petitioners had approached the Court under Section 156(3) Cr.P.C. solely for an investigation into cognizable offences such as forgery, impersonation, cheating, fabrication and illegal mining, which cannot be relegated to a civil dispute.
 - The trial court failed to consider that the deceased revision petitioner's sworn statement under Sec.200 Cr.P.C. and the supporting records prima facie disclosed grave offences mandating a direction to register FIR.
 - The Trial Court order of dismissal of the complaint is unsustainable and liable to be set aside. The revision petitioner therefore seek set aside the impugned order in Cr.M.P.No.8942/2022 dated 12.06.2025, and direct the 1st respondent to register FIR against Murugesan Thiyagarajan, Rajendiran and Dhineshrajan.
5. Heard both sides. Perused the material records. Considered the submissions raised by both sides.

6. The point for consideration is as to whether the criminal revision petition is to be allowed or not?

7. This Criminal Revision Petition has been filed challenging the order dated 12.06.2025 passed in CrI.M.P. No. 8942 of 2022 by the learned Judicial Magistrate No.I, Vellore, whereby the petition filed by the first petitioner under Section 156(3) Cr.P.C., seeking a direction to register an FIR against one Rajendiran, son of Natesan, came to be dismissed..

8. The brief facts, as set out in the petition in CrI.M.P. No. 8942 of 2022, are that the petitioners' family is in possession and enjoyment of lands situated at Sozhavaram Village, comprised in Survey Nos. 205/1, 205/2, 205/3 and 203/1, to a total extent of 8.46 acres, which are stated to be the self-acquired properties of the family members of the first petitioner and others, and the lands in Survey Nos. 205/1, 205/2 and 205/3 stand in the name of the first petitioner and her mother; while so, one Rajendiran, son of Natesan, having no manner of right, title or interest in the said lands, is alleged to have created forged and fabricated documents and, on that basis, approached the District Collector, Vellore, and obtained permission to quarry soil

from the land belonging to the first petitioner, and thereafter carried on illegal mining activities using heavy machinery including JCBs by excavating pits up to a depth of about 11 feet and removing soil; on 23.05.2022, when the first petitioner and her husband visited the property, they found that the said Rajendiran had unlawfully removed soil from the land of the first petitioner, causing loss estimated at about Rs.3 Crores; it is further stated that on the same day, the first petitioner submitted a complaint to the first respondent, which was refused to be received, and hence, on 24.05.2022, she sent the complaint by post and also forwarded copies to higher officials including the District Collector, Vellore, the Tahsildar, Vellore, the Village Administrative Officer of Sozhavaram Village, the Assistant Director of Mines and Minerals Department, the District Revenue Officer, Vellore, the Superintendent of Police, Vellore, the Deputy Inspector General of Police, Vellore, and the Revenue Divisional Officer, Vellore; however, no effective action was taken by any of the authorities, and it is alleged that the said Rajendiran appears to have obtained the mining licence by producing forged documents before the District Collector, and though the police conducted an enquiry, no action was taken, thereby constraining the petitioner to file the petition

seeking a direction to register an FIR against the said Rajendiran.

9. The first respondent filed a report contending that the dispute is purely civil in nature and has been given a criminal colour, and sought dismissal of the petition; the Trial Court, after hearing both sides and upon perusal of the records, held that no prima facie case was made out for initiating criminal action against the said Rajendiran, and that the petitioners ought to work out their remedy before the competent Civil Court to establish the alleged forgery, and finding no sufficient grounds to proceed further, dismissed the petition.

10. Aggrieved by the said dismissal, the petitioners have filed this revision, contending that the properties in Survey Nos. 205/1, 205/2 and 205/3 are the self-acquired properties of the deceased first revision petitioner, and that the respondent Rajendiran, having no right, title or interest therein, created forged documents and used them before the District Collector, Vellore, to obtain permission for soil excavation and remove soil worth about Rs.3 Crores; that the deceased first revision petitioner had lodged a complaint dated 23.05.2022, which was willfully refused by the first respondent police, compelling her to send it by RPAD on 24.05.2022 and to various authorities, and despite more than 20 documents having been filed and

marked, the Trial Court failed to appreciate that the accused, namely Murugesan Thiyagarajan, Rajendiran and Dhineshrajana, fabricated an unregistered lease deed dated 16.08.2021 and an unregistered “No Objection Deed” dated 18.10.2021 by forging the signatures and initials of the deceased Vimala and her mother Selvarani, including deliberate alteration of Selvarani’s initial from “S” to “A,” evidencing fabrication, and that such forged documents were used before the VAO, RI, Zonal Deputy Tahsildar, Tahsildar and RDO to fraudulently secure mining permissions; that the Trial Court failed to consider that the Assistant Director of Mines and Minerals, Vellore, issued trip sheets to Rajendiran based on the impugned order of the District Collector for the period from 29.03.2022 to 26.06.2022, which enabled him to commit theft of soil for about one month; that the Court failed to examine the authenticity of the lease deed and signatures or to summon the concerned officials; and hence, they seek setting aside of the impugned order and a direction to register an FIR against the said accused.

11. Admittedly, the revision petitioners claim to be the absolute owners of the property; however, on perusal of the records, it is seen that they had issued a legal notice dated 28.05.2022 to the District

Collector, Revenue Divisional Officer, Assistant Director of Geological Mines and Minerals and others, wherein they have specifically stated that the District Collector had granted permission to one Rajendiran, son of Natarajan, based on a report in Order No. Na.Ka.622/2021 (Mines) dated 29.03.2022, and that taking advantage of the said order, the said Rajendiran had excavated soil to a depth of about 12 feet in an extent of 6.4 acres in Survey Nos. 205/1, 205/2 and 205/3 using JCB/Boklain machines, which is alleged to be illegal; however, this material aspect regarding the permission granted by the District Collector has not been properly disclosed in the present petition.

12. Further, the revision petitioners have merely alleged that the said Rajendiran created fabricated documents and obtained permission from the District Collector, but have not challenged the said order dated 29.03.2022 before the competent authority; the records further disclose that, upon obtaining consent and no objection from the landowners, including the present revision petitioners and others, the said Rajendiran was permitted to excavate soil in Survey Nos. 205/1 and 205/2, and that the said permission remained unchallenged; it is also evident from the report of the Inspector of Police, Vellore Taluk

Police Station, that the said Rajendiran had obtained valid permission to excavate soil for the period from 29.03.2022 to 28.06.2022, and that he had not excavated soil beyond the permitted lands, subject to verification by survey, and that the dispute raised by the revision petitioners is essentially civil in nature, requiring adjudication before a competent Civil Court, and on that basis, no criminal case was registered against the said Rajendiran.

13. Further, the records disclose that the alleged acts are intrinsically connected with a dispute relating to title, consent and extent of land usage, which are matters essentially civil in nature, particularly in the light of the admitted permission granted by the District Collector, Vellore, which remains unchallenged by the revision petitioners before the competent forum and carries a presumption of validity. The allegations of forgery and fabrication, in the absence of foundational material such as expert opinion or prima facie proof of manipulation of signatures, do not disclose the essential ingredients of cognizable offences so as to compel invocation of criminal law. It is also seen that the police have conducted a preliminary enquiry and submitted a report, and in the absence of any material to show arbitrariness or mala fides, the same cannot be faulted. In such circumstances,

directing registration of an FIR would amount to permitting abuse of the process of law to settle a civil dispute. Hence, this Court finds that the order of the Trial Court is well-reasoned, does not suffer from any infirmity, and warrants no interference. Hence, this Court finds no grounds to interfere with the well-reasoned order of the Trial Court, and accordingly, the Criminal Revision Petition is dismissed, confirming the order dated 12.06.2025 made in CrI.M.P. No. 8942 of 2022 by the learned Judicial Magistrate No.I, Vellore; and thus the point is answered.

In the result,

(i) this Criminal Revision Petition is dismissed.

(ii) Accordingly, the order dated 12.06.2025 passed in CrI.M.P. No. 8942 of 2022 by the Judicial Magistrate No.I, Vellore, is hereby confirmed.

Dictated by me to the Steno Typist directly, typed by him in computer, corrected and pronounced by me in open court on 07th day of April, 2026.

**Principal Sessions Judge
Vellore District**

To

The Judicial Magistrate No.I,
Vellore.