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CRL RC No. 2579 of 2



Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:

RESERVED ON : 29-06-2026

PRONOUNCED ON : 25.09.2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 2579 of 2025

and

CRL MP Nos.22724 & 2738 of 2025

1. V. Vetri Vendan

2. Banumathi Vezhavendan

3. Ezhil Vendhan

..Petitioners

Vs

1. The Inspector of police,
E-2, Royapettah Police Station.

2. M.Kamaraj

..Respondents

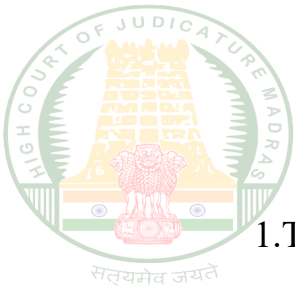
Prayer: This Criminal Revision Case is filed under Section 438 r/w. 442 of BNSS, 2023, praying to call for the records in Crl.MP.No.4230 of 2025, on the file of the Learned XVIII Metropolitan Magistrate, Saidapet, Chennai, and to set-aside the same, as being illegal and without jurisdiction, and thereby render justice.

For Petitioners:

Mr.R.Hari Krishanan for
Mr.Sharath Chandran.

For Respondent(s):

Mr.M.M.I.Khaleel, Government Advocate
(Criminal Side) for R1;
Mr.Haja Mohiden Gisthi for R2.

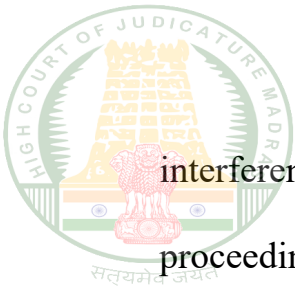


ORDER

1.The Criminal Revision Case is preferred against the order dated 01.11.2025 passed by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai in Crl. M.P. No. 4230 of 2025, whereby the learned Magistrate, in exercise of powers conferred under Section 156 (3) of the Code of Criminal Procedure, directed the jurisdictional police to register a First Information Report on the complaint lodged by the second respondent and to proceed with investigation in accordance with law.

2.The facts leading to the present Revision case to the extent necessary for deciding the controversy are that the petitioners, who are the proposed accused before the learned Magistrate, seek to assail the aforesaid order principally on the grounds that the dispute is purely civil in nature arising out of landlord-tenant litigation; that the learned Magistrate mechanically exercised jurisdiction without application of mind; that the second respondent suppressed material facts; that the mandatory requirements under Section 154 Cr.P.C. were not complied with; and that the complaint has been instituted only to frustrate the rent control proceedings pending between the parties.

3.The second respondent, who is the de facto complainant, opposes the revision contending that the complaint discloses independent cognizable offences of criminal trespass, theft, mischief, criminal intimidation and unlawful

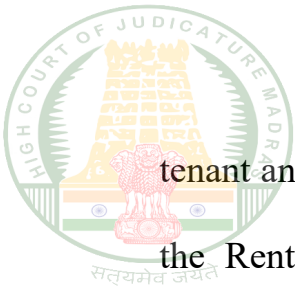


interference with possession committed during the pendency of civil proceedings; that repeated complaints made before the police authorities yielded no result; that the learned Magistrate rightly exercised jurisdiction under Section 156(3) Cr.P.C.; while passing the impugned order dated 01.11.2025 and that the present revision is nothing but an attempt to thwart a lawful criminal investigation.

4.Learned counsel for the second respondent has filed a detailed counter affidavit, and the learned Government Advocate (Criminal Side) for the first respondent has also filed their counter affidavit. This Court, vide order dated 16.06.2026, granted two weeks and no more time to the learned counsel for the revision petitioner to file a rejoinder affidavit in reply to the counter affidavits filed by the first and second respondents, and fixed the next date on 29.06.2026 for final hearing. When the matter is taken up on 29.06.2026 for final hearing, the learned counsel for the revision petitioners submits that he will not file a rejoinder affidavit and will argue the case on merits on the basis of the pleadings.

SUBMISSIONS OF THE REVISION PETITIONERS:

5. Learned counsel for the Revision petitioners would submit that the impugned order is liable to be set aside on numerous grounds. According to the Petitioners, the dispute between the parties is essentially one of landlord and



tenant and is already the subject matter of adjudication before the Rent Court in the Rent proceeding and the Appellate Authority. It is contended that the complaint is a counterblast to the eviction proceedings and has been instituted solely with a view to exert pressure upon the petitioners.

6. It is further submitted that the learned Magistrate failed to properly apply his judicial mind before invoking powers under Section 156 (3) Cr.P.C.; that the second respondent suppressed earlier proceedings and material facts; that the mandatory safeguards governing Section 156(3) Cr.P.C. were not complied with; that there was unexplained delay in lodging the complaint; that no reliable electronic evidence was produced; and that the learned Magistrate mechanically accepted the allegations without undertaking the scrutiny mandated by law.

7. The Revision petitioners would also contend that in view of the pending civil proceedings and the order of eviction already obtained by the petitioners, no criminal offence can be said to arise and the entire complaint constitutes an abuse of the criminal process.

8. Learned counsel would further submit that the second petitioner is the owner of the property and that the original tenancy was created in favour of one Mr. M. Azan Feroz under a rental agreement dated 01.03.2016. The second



respondent, according to the petitioners, had no direct privity of contract with the second petitioner and came into occupation of a portion of the premises through the said tenant. After the original tenant was arrested on 27.02.2019, the rental amounts fell into arrears and the petitioners came to know of the second respondent's occupation of the premises.

9.It is submitted that the second petitioner had, as early as on 06.03.2019, lodged a complaint before the E2 Royapettah Police Station alleging unauthorised occupation/trespass by the second respondent, pursuant to which CSR No.101 of 2019 dated 09.03.2019 was issued. Learned counsel would contend that this material fact, as well as the earlier proceedings between the parties, was deliberately suppressed by the second respondent while approaching the learned Magistrate and that such suppression assumes significance while considering the bona fides of the complaint.

10.Learned counsel would further submit that the second respondent had already instituted O.S.No.1482 of 2019 before the learned VII Assistant City Civil Court, Chennai, in respect of the 160 sq.ft. portion of the premises. Thereafter, the second petitioner initiated RLTOP No.58 of 2020 for eviction, which culminated in an order dated 11.07.2023 directing the occupants to vacate the premises. The said proceedings are presently the subject matter of appeals. According to the learned counsel, the subsequent criminal complaint

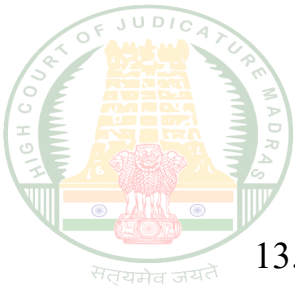


has been instituted only in the backdrop of the said proceedings and as a means of exerting pressure upon the petitioners.

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11.Learned counsel would further submit that the allegations regarding vandalism during November and December 2024 are wholly false and are not supported by reliable material. It is contended that the second respondent himself had admitted in his earlier civil proceedings that his alleged occupation was confined to the shop measuring 160 sq.ft., whereas the total extent of the two shops is about 350 sq.ft. According to the learned counsel, the alleged video footage relied upon by the second respondent does not establish that the damage shown therein relates to the portion actually occupied by him.

12.Learned counsel would further submit that there is a connecting door between the two shop portions measuring 160 sq.ft. and 190 sq.ft., which fact, according to the petitioners, was not fairly disclosed before the learned Magistrate. It is therefore contended that the possibility of the second respondent himself accessing the other portion and thereafter attributing the alleged damage to the petitioners could not have been ruled out without proper investigation and verification. The learned Magistrate, according to the learned counsel, ought not to have mechanically accepted the allegations and the disputed electronic material at the threshold.

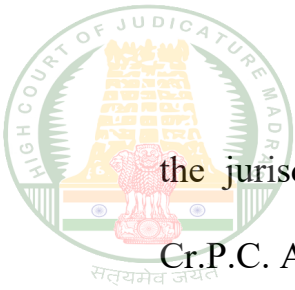


13.Learned counsel would further contend that the second respondent approached the learned Magistrate by suppressing material facts and by placing misleading material before the Court. It is submitted that a person invoking the jurisdiction under Section 156(3) Cr.P.C. is required to approach the Court with clean hands and disclose all relevant previous proceedings and complaints. The failure to do so, according to the learned counsel, vitiates the exercise of jurisdiction by the learned Magistrate.

14.Learned counsel would therefore submit that, in the backdrop of the pending civil and rent proceedings, the eviction order already obtained by the petitioners, the earlier police complaint, the suppression of material facts, the doubtful electronic evidence and the unexplained delay, the complaint is nothing but an abuse of the criminal process. It is contended that the impugned order suffers from non-application of mind and failure to consider the relevant circumstances and, consequently, the same is liable to be set aside.

SUBMISSIONS OF THE SECOND RESPONDENT

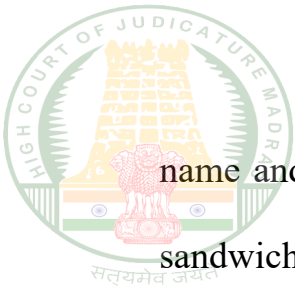
15. Per contra, learned counsel for the second respondent would submit that the entire Criminal Revision is fundamentally misconceived and proceeds on a complete misunderstanding of the scope of revisional jurisdiction under Sections 397 and 401 of the Code of Criminal Procedure as well as the nature of



the jurisdiction exercised by the learned Magistrate under Section 156 (3) Cr.P.C. According to the Second Respondent, the learned Magistrate has neither adjudicated upon the rights of the parties nor recorded any finding regarding the guilt of the petitioners. The impugned order merely directs the registration of a First Information Report upon recording prima facie satisfaction that the complaint discloses cognizable offences. Such an order merely sets the criminal law in motion and therefore cannot be interfered with merely because the proposed accused dispute the allegations contained in the complaint.

16.Learned counsel for the second respondent would further submit that the attempt of the petitioners is nothing short of inviting this Court to undertake a meticulous examination of disputed questions of fact at a stage anterior to investigation itself. According to the second respondent, every contention urged in the revision pertains to matters of defence, appreciation of evidence, admissibility of electronic material, rival claims regarding possession and disputed questions relating to landlord-tenant relationship, all of which fall exclusively within the domain of investigation and, if necessary, trial. None of those issues, it is contended, can legitimately form the subject matter of revisional scrutiny against an order passed under Section 156(3) Cr.P.C.

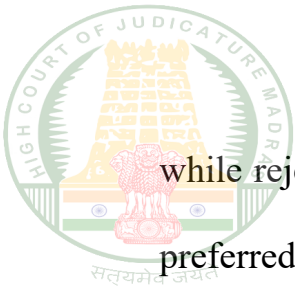
17.Learned counsel for the second respondent further submits that the second respondent constituted a partnership firm during October 2016 under the



name and style "Brunch Chat & Juices" for carrying on the business of chats, sandwiches and beverages. Initially the business was conducted at Gopalapuram. Subsequently, the business shifted to the premises situated at No.78/103, Dr. Radhakrishnan Salai, Mylapore, Chennai. The materials available on record disclose that the firm obtained registration under the Income Tax Act and the Goods and Services Tax enactments. The trade name was also sought to be registered under the Trade Marks Act.

18.Learned counsel for the second respondent further submits that the records further disclose that the premises in question originally stood leased in favour of one of the partners and thereafter continued under a duly reconstituted partnership. It is the consistent case of the second respondent that the landlady, namely the second petitioner herein, was fully aware of the occupation of the premises by the partnership firm and had acquiesced in the same for several years. The electricity service connection admittedly continued in the name of the landlady while the electricity consumption charges were continuously paid by the second respondent. Rent also came to be paid for several years.

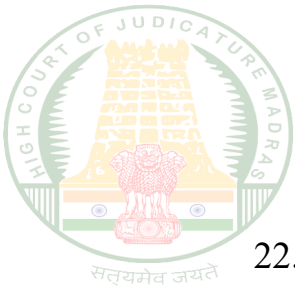
19.Learned counsel for the second respondent further submits that the second petitioner instituted proceedings before the Rent Court in rent control proceeding bearing R.L.T.O.P. No. 58 of 2020 seeking eviction and recovery of arrears of rent. The Rent Court partly allowed the petition by granting eviction



while rejecting the claim for arrears. Aggrieved thereby, the second respondent preferred R.L.T.A. No. 216 of 2023 and the landlady also preferred R.L.T.A. No.: 39 of 2024. Both appeals are admittedly pending before the competent Court.

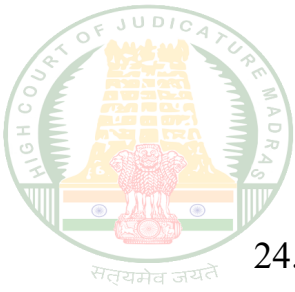
20.Learned counsel for the second respondent further submits that even prior to the institution of the rent control proceedings, apprehending forcible dispossession otherwise than by due process of law, the second respondent instituted O.S. No.: 1482 of 2019 seeking permanent injunction. The Civil Court granted a decree restraining interference with the respondent's possession except by due process of law.

21.According to the learned counsel for the second respondent, notwithstanding the pendency of the civil proceedings and despite the injunction decree, the petitioners and their associates repeatedly attempted to interfere with the second respondent's possession and business operations. It is alleged that during November and December 2024 the petitioners, accompanied by several unidentified persons, forcibly entered the shop premises, broke open the locks, vandalised the interiors, removed freezer units, furniture and business articles worth approximately Rs.15,00,000/- and criminally intimidated the respondent with a view to compelling him to vacate the premises without recourse to law.



22.Learned counsel for the second respondent would further state that these incidents were captured through CCTV cameras installed in the premises and that several complaints were immediately lodged before the jurisdictional police. Complaint reference numbers were generated. Despite repeated complaints and representations to superior police authorities, the police failed to register any FIR, taking the stand that the dispute between the parties was civil in nature.

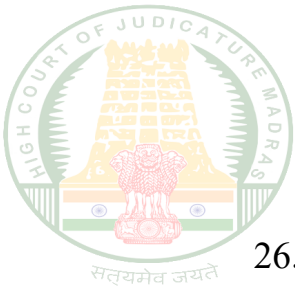
23.Developing the submissions further, learned counsel for the second respondent would contend that the respondent has been carrying on business from the premises continuously from the year 2016 with the full knowledge, consent and acquiescence of the second petitioner. The respondent's possession has never been clandestine. Rent was accepted. Electricity charges were continuously paid. The business establishment possesses statutory registrations including GST registration, PAN registration and other licences. The respondent had invested substantial sums in establishing the business. More importantly, the respondent had already obtained a decree of permanent injunction protecting his possession except through due process of law. Therefore, according to the learned Counsel, the present complaint cannot, by any stretch of imagination, be dismissed as frivolous or invented.



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24.Learned counsel for the second respondent would next submit that the complaint specifically alleges repeated acts of criminal trespass, vandalism, theft, criminal intimidation and forcible interference with possession during November and December 2024. Those allegations disclose independent penal offences wholly distinct from the civil proceedings pending between the parties. Merely because eviction proceedings are pending or an order of eviction has been passed, no landlord acquires a licence to commit criminal offences or resort to self-help. It is submitted that the existence of civil proceedings neither obliterates nor eclipses criminal liability where the allegations independently satisfy the ingredients of cognizable offences.

25.Learned counsel for the second respondent would also draw the attention of the Court to the repeated complaints lodged before the jurisdictional police and the superior police authorities. It is submitted that despite multiple complaints and despite the respondent having exhausted the statutory remedies contemplated under Section 154 Cr.P.C., the police failed to discharge their statutory obligation of registering the First Information Report. It was only after complete police inaction that the respondent approached the learned Magistrate invoking the jurisdiction under Section 156(3) Cr.P.C. Therefore, according to the second respondent, the learned Magistrate merely corrected the illegality committed by the police and directed compliance with the statutory mandate.



26.Learned counsel for the second respondent, addressing the controversy regarding the CCTV footage, the second respondent would submit that the petitioners have deliberately misled this Court by suggesting that no electronic evidence was ever produced before the learned Magistrate. On the contrary, the learned Magistrate himself has specifically recorded in the impugned order that the CCTV footage disclosed a prima facie case of trespass. Therefore, the submission that the pen drive had never been produced is demonstrably contrary to the judicial record itself. It is further submitted that even assuming for the sake of argument that the pen drive had not been annexed to the affidavit, such an omission would be wholly inconsequential because proceedings under Section 156 (3) Cr.P.C. are not intended to evaluate evidence but merely to determine whether the complaint discloses cognizable offences warranting investigation.

27.Learned counsel for the second respondent further submits that the revision is nothing but a disguised petition seeking quashing of criminal proceedings at the pre-investigation stage. The petitioners seek appreciation of evidence, determination of rival claims, adjudication upon civil rights and evaluation of disputed facts even before the investigating agency has commenced investigation. Such an exercise, according to the second respondent, is wholly impermissible and therefore the revision deserves



dismissal.

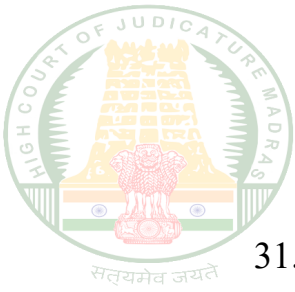
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28.The learned Government Advocate (Criminal Side) appearing for the first respondent also concurs with the submissions made by the learned counsel for the second respondent and submits that the impugned order dated 01.11.2025 passed by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, in CrI.M.P.No.4230 of 2025, is a well-reasoned and speaking order. He therefore submits that no interference is warranted by this Court in exercise of its revisional jurisdiction and that the present Criminal Revision Case is liable to be dismissed.

29.This Court has heard the arguments advanced by the learned counsel for the revision petitioner and the learned counsel for the second respondent, as well as the submissions made by the learned Government Advocate (Criminal Side) appearing for the first respondent, and perused the materials available on record.

DISCUSSION

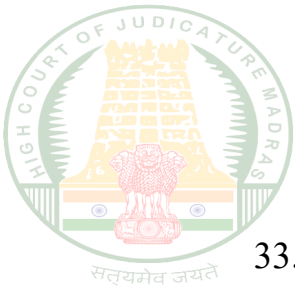
30.The challenge mounted by the revision petitioners proceeds upon a fundamental misconception regarding the nature of the jurisdiction exercised by the learned Magistrate under Section 156 (3) of the Code of Criminal Procedure.



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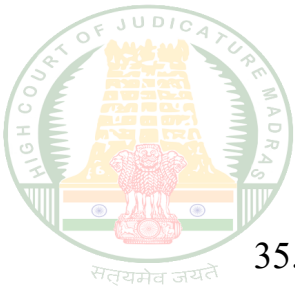
31. Section 156 occurs in Chapter XII of Cr.P.C. dealing with information to the police and the powers of investigation. The jurisdiction conferred upon the Magistrate under sub-section (3) is neither adjudicatory nor determinative. The Magistrate does not adjudicate the correctness of the allegations. 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.

32. The distinction between proceedings under Section 156(3) and proceedings under Section 200 of Cr.P.C. is fundamental and cannot be overlooked. Under Section 156(3) Cr.P.C., the Magistrate merely decides whether police investigation should commence. Under Section 200 Cr.P.C., 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 petitioners, however, invite this Court to import into Section 156(3) Cr.P.C. the standards applicable to enquiries under Section 200 Cr.P.C. and even to a full-fledged criminal trial. Such an approach is wholly inconsistent with the statutory framework.



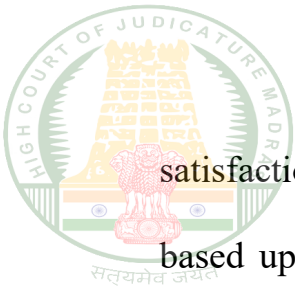
33.The consistent judicial view has been that the Magistrate, while exercising powers under Section 156 (3) Cr.P.C., is not expected to appreciate evidence, determine admissibility of documents, reconcile rival factual versions or examine the probable defence of the proposed accused. Those are matters 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.

34.The order impugned in the present revision merely directs the jurisdictional police to register a First Information Report and investigate the complaint. Such an order neither determines the civil rights of the parties nor adjudicates upon the criminal liability of the petitioners. No finding has been rendered regarding the truth or otherwise of the allegations. No cognizance has been taken against the petitioners. No summons have been issued. No process has been initiated against them. The order merely activates the statutory machinery of investigation. The petitioners therefore seek to challenge not a finding of guilt but the very commencement of investigation. The distinction is significant because investigation is the statutory function entrusted to the police and not to the Court. Interference at such a nascent stage must necessarily remain an exception rather than the rule.



35.A careful reading of the revision petition reveals that almost every ground urged by the petitioners requires this Hon'ble Court to evaluate disputed questions of fact. The petitioners invite this Hon'ble Court to determine whether the second respondent is a lawful tenant, whether the respondent suffered the alleged loss, whether the CCTV footage is genuine, whether the complaint has been exaggerated, whether the second respondent himself caused the damage, whether the allegations are probable, whether the petitioners acted lawfully pursuant to eviction proceedings and whether the complaint constitutes a counterblast to civil litigation. Each one of these issues necessarily requires investigation, collection of evidence, examination of witnesses, seizure of materials, forensic analysis and appreciation of evidence. None of them can legitimately be decided while examining the correctness of an order passed under Section 156(3) Cr.P.C. Acceptance of the petitioners' contention would amount to converting revisional proceedings into a full-fledged trial, thereby rendering the statutory scheme under Chapter XII of the Code otiose.

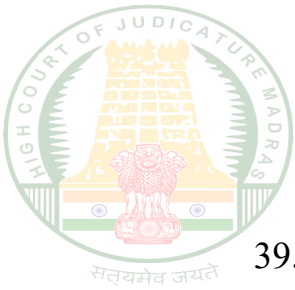
36.The Court should also not accept the submission that the learned Magistrate was required to undertake an elaborate enquiry before directing investigation. The legislative purpose behind Section 156 (3) Cr.P.C. is to ensure that where the police fail to discharge their statutory obligation to investigate cognizable offences, the Magistrate may require them to do so. The



satisfaction contemplated under the provision is only a prima facie 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.

37.The learned Magistrate neither exceeded the jurisdiction vested under Section 156 (3) Cr.P.C. nor exercised the same arbitrarily. On the contrary, the learned Magistrate discharged the statutory duty cast upon him after finding that the complaint disclosed cognizable offences and that police intervention had become necessary in view of the repeated inaction of the jurisdictional police. The order does not suffer from perversity, illegality or jurisdictional infirmity warranting interference under Sections 397 and 401 Cr.P.C.

38.Coming to the next contention raised by the Petitioner is that the dispute between the parties arises out of a landlord-tenant relationship and is already the subject matter of adjudication before the Rent Court and the Appellate Authority. It is therefore contended that the criminal complaint is merely a counterblast to the civil proceedings and consequently no criminal investigation should be permitted to proceed.



39. 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 criminal trespass, theft, mischief, criminal intimidation 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.

40. In the present case, the complaint does not merely allege breach of contractual obligations or wrongful termination of tenancy. The second respondent alleges that during the pendency of the rent control proceedings the petitioners, accompanied by several persons, forcibly entered the premises, broke open locks, vandalised the business establishment, removed business articles worth approximately Rs. 15,00,000/- and intimidated the respondent. Such allegations, if accepted at face value for the limited purpose of Section 156 (3) Cr.P.C., unquestionably disclose offences known to criminal law. Whether those allegations are ultimately established is a matter for investigation. However, the existence of rent control proceedings cannot furnish a legal shield



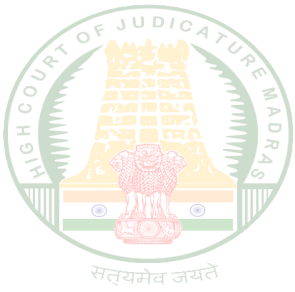
against investigation into such allegations.

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41. The materials also indicate that the second respondent had obtained a decree of permanent injunction protecting possession except by due process of law. The existence of such a decree assumes significance because the complaint is not merely that the petitioners sought possession, but that they allegedly resorted to self-help notwithstanding the subsisting decree. Whether the decree was subsequently affected by subsequent proceedings, and what legal consequences flow therefrom, are all matters beyond the scope of the present revision. Nevertheless, the decree lends contextual support to the second respondent's assertion that the alleged acts of force were not isolated events but part of a continuing dispute concerning possession. This aspect further reinforces the necessity of investigation rather than militating against it.

42. 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."

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43. 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 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.*”

44. The Hon'ble Supreme Court of India in ***Nazibul Rahim Khan & Ors. Vs State of Uttar Pradesh & Anr. (2026 INSC 619)*** vide order dated 25.03.2026 was pleased to observe as under:

"23....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 v State of Karnataka, 2025 SCC OnLine SC 1575 @Paragraph 42]."

45. Furthermore, the Hon'ble Supreme Court of India in ***Accama Sam Jacob us the State of Karnataka & Anr. (2026 SCC OnLine 585)*** vide order dated 13.04.2026 was pleased to observe as under:

"56. In the facts and circumstances noted above, it was not at all justified for the High Court to have quashed 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



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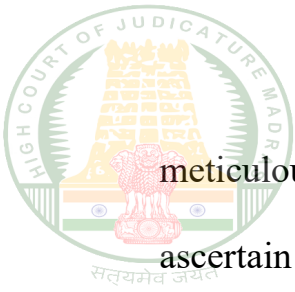


itself bar criminal proceedings where the allegations prima facie disclose commission of a cognizable offence. By entering into an evaluation of the dispute on merits and proceeding to quash the order directing investigation, the High Court effectively stifled the investigative process at its inception. Such an approach runs contrary to the principles consistently laid down by this Court."

46.It is an unacceptable broad proposition advanced by the petitioners that every dispute arising between a landlord and tenant is necessarily immune from criminal investigation. Acceptance of such an argument would amount to conferring an unwarranted immunity upon parties to civil litigation and would permit criminal acts committed during the pendency of such litigation to escape investigation merely because a civil remedy also exists. Such a consequence would be contrary to both principle and public policy.

47.Having held that the pendency of 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 XII of Cr.P.C..

48.At the outset, it requires to be emphasised that at the stage of directing investigation under Section 156(3) Cr.P.C., 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.

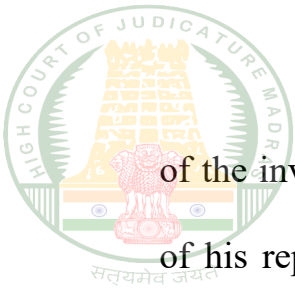
49. Section 156 (3) Cr.P.C. states:

"156(3) Any Magistrate empowered under Section 190 may order such an investigation as abovementioned."

The words "as abovementioned" obviously refer to Section 156 (1), which contemplates investigation by the officer in charge of the Police Station."

50. Section 156(3) Cr.P.C. provides for a check by the Magistrate on the police performing its duties under Chapter XII Cr.P.C. 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.

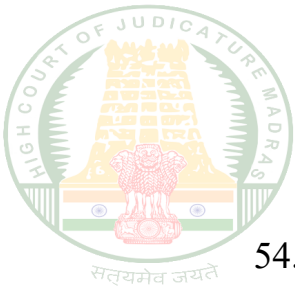
51. The power in the Magistrate to order further investigation under Section 156(3) Cr.P.C. is an independent power, and does not affect the power



of the investigating officer to further investigate the case even after submission of his report vide Section 173(8) Cr.P.C.. 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)*.

52. In my opinion Section 156(3) Cr.P.C. 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 156(3) Cr.P.C., though briefly worded, in my opinion, is very wide and it will include all such incidental powers as are necessary for ensuring a investigation. proper

53. 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.



54.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 can monitor the investigation to ensure that the investigation is done properly (though he cannot investigate himself).

55.A careful reading of the complaint in the present case unmistakably discloses that the respondent has not merely alleged breach of contractual obligations or violation of tenancy rights. The allegations are far more serious in nature. The second respondent has specifically alleged that the petitioners, acting in concert with several unidentified persons, entered the business premises without authority, broke open the locks, dismantled and destroyed the interiors of the establishment, removed freezer units, furniture, commercial equipment and other movables worth approximately Rs.15,00,000/-, interfered with the respondent's peaceful possession and business operations and criminally intimidated him with the object of compelling him to vacate the premises. The complaint further refers to repeated acts of interference during the pendency of the rent control proceedings and states that the entire occurrence was captured by CCTV cameras installed in the premises.

56.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 value of the articles allegedly removed has been indicated. The second respondent 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.

57.The petitioners would contend that the allegations are false, exaggerated and engineered solely to counter the eviction proceedings. Such a contention undoubtedly constitutes a defence available to the petitioners. However, the correctness or otherwise of the allegations cannot be adjudicated by this Court at the stage of revision. The very purpose of investigation is to ascertain whether the allegations are true, partly true or wholly false. If this Court were to undertake that exercise at this stage, the statutory role assigned to the investigating agency would stand completely displaced.

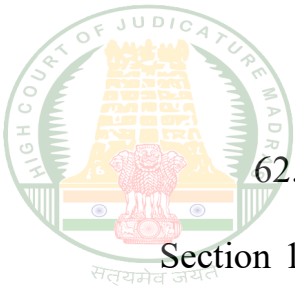
58.Therefore, the complaint, taken at its face value, clearly discloses the commission of cognizable offences warranting investigation. Consequently, the learned Magistrate cannot be faulted for directing registration of the First Information Report.



59. The petitioners have next contended that the respondent directly invoked the jurisdiction of the learned Magistrate without exhausting the statutory remedies contemplated under Section 154 of Cr.P.C. and therefore the petition under Section 156 (3) Cr.P.C was itself not maintainable.

60. The records placed before the learned Magistrate disclose that the second respondent did not rush to Court immediately after the alleged occurrence. On the contrary, he repeatedly approached the jurisdictional police by lodging complaints on several dates. Complaint reference numbers were generated. Thereafter, representations were also submitted to the superior police authorities complaining about the failure of the Station House Officer to register a First Information Report. The second respondent continued to pursue his remedies before the police machinery. Despite repeated representations and despite allegations disclosing cognizable offences, no FIR came to be registered.

61. The conduct of the second respondent demonstrates that invocation of Section 156 (3) Cr.P.C was not the first remedy but the last remedy. It was only after exhausting the statutory mechanism under Section 154 Cr.P.C and after encountering complete police inaction that the second respondent approached the learned Magistrate.



62. More importantly, the present case demonstrates precisely why Section 156 (3) Cr.P.C. has been incorporated in the Code. The provision acts as a judicial safeguard against arbitrary police inaction. Where the police refuse to investigate cognizable offences on untenable grounds, the Magistrate is empowered to require them to perform their statutory duty. The learned Magistrate, in the present case, merely exercised that supervisory jurisdiction. Far from committing any illegality, the learned Magistrate ensured compliance with the statutory scheme of criminal investigation. The objection raised by the petitioners on this score is therefore devoid of merit.

63. A considerable portion of the arguments advanced on behalf of the petitioners centred around the alleged non-production of the pen drive containing the CCTV footage before the learned Magistrate. Since this aspect weighed with the grant of interim protection, it is only fit that the second Respondent clarifies the same.

64. The argument of the petitioners proceeds on two assumptions. Firstly, that the CCTV footage was never produced before the learned Magistrate. Secondly, that the alleged omission is sufficient to invalidate the order passed under Section 156(3) Cr.P.C.



65. The second respondent has also filed a typed set of papers along with the counter affidavit. The second respondent has brought the attention of this Court to the list of documents annexed with the affidavit filed in support of the petition under Section 156 (3) of the Criminal Procedure Code. From the same, it is manifest that the CCTV footage has been filed in a pen drive as a part and parcel of the petition along with a certificate under Section 65B of the Indian Evidence Act 1872. Furthermore, the impugned order passed by the learned Magistrate itself records that the video footage produced before the Court disclosed a prima facie case of trespass. Such a judicial recording necessarily presupposes that the electronic material was available before the Court and had been looked into by the learned Magistrate. The contention that the Magistrate never had the benefit of examining the CCTV footage is therefore contrary to the judicial record itself.

66. Even assuming for the sake of argument that the electronic material had not been physically annexed to the affidavit, it is incomprehensible as to how such an omission would vitiate proceedings under Section 156 (3) Cr.P.C. The jurisdiction exercised under Section 156 (3) Cr.P.C is neither evidentiary nor adjudicatory. The Magistrate is not expected to decide whether the CCTV footage is genuine, admissible or sufficient to establish guilt. Questions relating to authenticity, forensic examination, admissibility and evidentiary value of electronic records are matters falling squarely within the domain of



investigation and, thereafter, trial. At the pre-investigation stage, the Magistrate is only required to satisfy himself that the complaint discloses cognizable offences requiring police investigation.

67.To insist that the Magistrate should undertake a detailed evaluation of electronic evidence before directing registration of FIR would amount to converting proceedings under Section 156(3) Cr.P.C into an enquiry under Section 200 Cr.P.C or even a full-fledged trial. Such an interpretation would completely defeat the legislative purpose underlying Chapter XII of the Code of Criminal Procedure.

68.Therefore, the controversy sought to be raised regarding the pen drive is wholly misplaced and legally inconsequential. The issue has been disproportionately magnified by the petitioners in an attempt to divert attention from the core issue, namely, whether the complaint discloses cognizable offences.

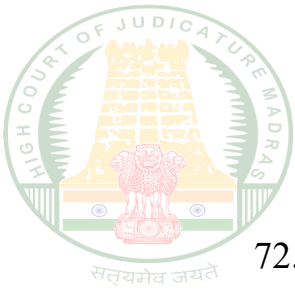
69.Furthermore, a revisional Court is not expected to substitute investigation with judicial speculation. Criminal law proceeds upon the foundational principle that facts must first be investigated before they are adjudicated. Acceptance of the petitioners' submissions would result in the anomalous situation where investigation itself is rendered unnecessary because



the proposed accused dispute the allegations. Such an interpretation would strike at the very root of the statutory scheme governing investigation into cognizable offences.

70. Accordingly, this Court ought to hold that the various grounds urged in the revision petition constitute matters of defence which are required to be examined by the investigating agency during investigation and, if necessary, by the jurisdictional Court during trial, and not by this Court while exercising revisional jurisdiction over an order passed under Section 156(3) Cr.P.C.

71. Having made submissions with regard to the legal principles governing the exercise of jurisdiction under Section 156 (3) of the Code of Criminal Procedure as well as the limited scope of interference in revisional jurisdiction, this Court ought to be satisfied that the learned XVIII Metropolitan Magistrate has exercised jurisdiction strictly in accordance with law. The complaint discloses specific allegations constituting cognizable offences. The second respondent exhausted the statutory remedies before the police authorities. The learned Magistrate applied his judicial mind and recorded prima facie satisfaction. The petitioners seek, in substance, an adjudication upon disputed questions of fact before investigation has even commenced. Such an exercise is wholly impermissible.



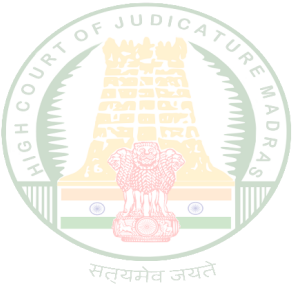
72. In view of the observation and discussion made above and also in view of the judgement referred to above, the impugned order neither suffers from perversity nor from jurisdictional error warranting interference under Sections 397 and 401 Cr.P.C. by this Court exercising revisional power of this Court. Thus, this criminal revision case lacks merit and accordingly **is liable to be dismissed.**

73. Accordingly, the Criminal Revision Case stands **dismissed.** The order dated 01.11.2025 passed by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, in Cri.M.P. No.4230 of 2025 is affirmed and the Inspector of Police, E-2 Royapettah Police Station is directed to register a First Information Report on the complaint dated 22.11.2024 of the second respondent and proceed with the investigation strictly in accordance with law. However, there shall be no orders as to costs.

25-09-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SHA



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To

1. The Inspector of police, E-2, Royapettah Police Station.
2. Learned XVIII Metropolitan Magistrate, Saidapet.

CRL RC No. 2579 of 2



Order QR

SHAMIM AHMED, J.

SHA

CRL RC No. 2579 of 2025

25-09-2026