



WEB COPY



Crl.O.P.No.3191 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

Crl.O.P.No.3191 of 2026

and

Crl.M.P.No.2227 of 2026

V.Kannan

... Petitioner

VS.

1.The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
(Crime No.21 of 2026)

2.Kurinjidevan

... Respondents

PRAYER:- Criminal Original Petition is filed under Section 528 of BNSS, to call for the records and quash the First Information Report No.21 of 2026 in so far as the petitioner is concern pending on the file of 1st Respondent Police.

For Petitioner : Mr.R.Shanmugasundaram
Senior Counsel
for M/s.S.Sivasekar

For R1 : Mr.Arun Anbumani
Government Advocate (Criminal Side)

For R2 : Mr.V.Jayaprakash Narayanan



Crl.O.P.No.3191 of 2026

ORDER

WEB COPY

This Criminal Original Petition has been filed to quash the FIR registered in Crime No.21 of 2026 pending on the file of the 1st respondent.

2. The case of the prosecution is that in the year 2008, the defacto-complainant had purchased the property comprised in S.No.101/8 (Old S.No.2538) to an extent of 1 acre situated at Erode District from one S.K.Thangavel. Thereafter, in the year 2022, the 4th accused lodged a complaint as against the defacto complainant alleging that the defacto complainant had unlawfully prevented him to measure his property to an extent of 4400 sq.ft comprised in S.No.101/8 (Old S.No.2538) purchased from one Subramaniya Gounder and Natchi Muthu Gounder through their Power of Attorney, who is arrayed as 1st accused by the Sale Deed dated 02.12.2021 registered vide Document No.11017 of 2021 on the file of Sub-Registrar Office, Dharapuram. During enquiry of the complaint lodged by the 4th accused, it was found that the vendor of the defacto complainant S.K.Thangavel had executed a property to an extent of 4400 sq.ft comprised in S.No.101/8 (Old S.No.2538) to one Subramaniya Gounder and Natchi Muthu Gounder in the year 2008. There are boundary dispute between the



4th accused and defacto complainant. Therefore, they were directed to workout their remedy before the Civil Court.

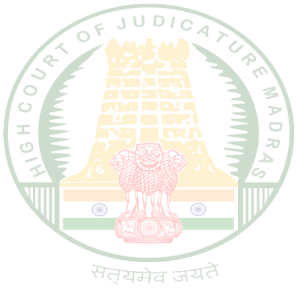
3. Further, the said Subramaniya Gounder and Natchi Muthu Gounder died in the year 2011 and 2014 respectively. However, the 1st accused suppressed those facts and executed Sale Deed in favour of 4th accused based on the fabricated Life Certificate, which was issued by the 3rd accused, who is a Veterinary Doctor with the help of 5th accused, who is the Sub-Registrar registered the document vide Document No.11017 of 2021. On the complaint, the 1st respondent registered FIR in Crime No.21 of 2026 for the offence punishable under Sections 120B, 448, 465, 471 and 506(i) of IPC.

4. The learned Senior Counsel appearing for the petitioner submits that the petitioner is arrayed as 5th accused. He is nothing to do with the allegations levelled against the other persons. He was being the Registering Authority registered the document, which was presented for registration along with all requirements. He further submits that the Life Certificate was issued by the Veterinary Assistant Surgeon and even according to the circular issued by the Inspector General of Registration, he is competent person to issue Life Certificate. Therefore, except the said allegation, no



other allegations to attract any of the offence as against the petitioner. He did not have any connivance with other accused persons or conspired with other accused persons to register the Sale Deed in favour of 4th accused. Whatever the documents produced by the parties, the petitioner, who was being the Registering Authority to verify those documents and register the Sale Deed. That apart, the document which was registered vide Document No.11017 of 2021 has been cancelled by the parties concerned by Cancellation Deeds vide Documents Nos.10427 and 10428 of 2025. Therefore, he is nothing to do with the allegations and as if, the FIR registered against the petitioner cannot be sustained and the same is liable to be quashed.

5. The learned counsel appearing for the 2nd respondent submits that 3rd accused is Veterinary Doctor and he is a own brother of 4th accused and fabricate the Life Certificate without even verifying the presence of the Principal, issued Life Certificate. Only on the basis of Life Certificate, the petitioner, who was being Registering Authority registered document. Therefore, it shows that connivance and conspiracy of the petitioner with other accused persons and registered document. Mere cancellation of the Sale Deed cannot obstruct the entire criminal proceedings.



6. The 1st respondent filed counter affidavit and the learned Government Advocate (Criminal Side) appearing for the 1st respondent submits that the FIR cannot be quashed on its threshold when it discloses the commission of cognizable offence. He further submits that even as per the circular issued by the Inspector General of Registration, the Life Certificate should be attested by the registered Medical Practitioner or by the Group-A Officer. The 3rd accused is neither the registered Medical Practitioner nor a Group-A Officer to attest the Life Certificate. Without even verifying the said certificate, the petitioner registered the document. It shows that he conspired with other accused persons and registered the document in favour of the 4th accused. Therefore, he sought for dismissal of the quash petition.

7. Heard the learned counsel appearing on either side and perused the materials available on record.

8. On perusal of the records, it is revealed that the petitioner was arrayed as 5th accused. Admittedly, he is the person, who had registered the Sale Deed, which was executed by the Power of Attorney/1st accused vide Document No.11017 of 2021 in favour of the 4th accused. The crux of the allegation in the complaint is that the land was owned by Subramaniya



Gounder and Nachi Muthu Gounder. Both of them died in the year 2011 and 2014. Even after their demise, the Power of Attorney, which was executed in favour of the Power Holder were alive and produced the Life Certificate as if, the Principals are alive and executed Sale Deed in favour of 4th accused along with Life Certificate, which was attested by the 3rd accused, who is own brother of 4th accused. The petitioner registered the document without verifying the Life Certificate produced by the 1st accused in favour of the 4th accused.

9. As stated supra, the petitioner, who was being the Registering Authority verified the document and registered the document Vide Document No.11017 of 2021. The only allegation as against the petitioner is that the petitioner without verifying the Life Certificate produced by the 1st accused along with Sale Deed, registered the same.

10. On perusal of the Life Certificate produced along with Sale Deed, revealed that the 3rd accused, who is being the Assistant Veterinary Surgeon attested the Life Certificate of the Principals namely Subramaniya Gounder and Nachi Muthu Gounder. On perusal of the Circular, dated 02.02.2013 issued by the Inspector General of Registration, Chennai,



revealed as follows:-

WEB COPY

“பொது அதிகார ஆவணத்தின் அடிப்படையில் முகவரால் எழுதி
கொடுக்கப்படும் ஆவணம் பதிவுக்கு தாக்கல் செய்யப்படும்போது பொது
அதிகாரம் அளித்த முதல்வர் உயிருடன் உள்ளார் என்றதற்கான உயிருடன்
உள்ளார் என்ற சான்றும் (Life Certificate) தாக்கல் செய்யப்படவேண்டும்.
இந்த சான்றில் முதல்வரின் புகைப்படம் ஒட்டி அவரின் கையொப்பத்துடன்,
முதிவ , பெற்ற மருத்துவ அலுவலரால் (Registered Medical
Practitioner) அல்லது மத்திய / மாநில அரசு A பிரிவு அலுவலரால்
தேதியுடன் பெறப்பட்ட சான்று தாக்கல் செய்ய வேண்டும்.”

11. Thus, it is clear that any Registered Medical Practitioner or by the Group-A Officer can attest the Life Certificate. The 3rd accused, who is being the Group-A Officer (Assistant Veterinary Surgeon) of Veterinarian Dispensary, Appiyampatty. Therefore, only after verification of the Life Certificate, the petitioner registered the document. Further, there is no allegation as against the petitioner that he conspired with other accused persons and registered the Sale Deed in favour of the 4th accused.

12. In so far as other offences are concerned, it is relevant to extract the judgment of the Hon'ble Supreme Court in *Mohamed Ibrahim and others vs. State of Bihar and Another* reported in (2009) 8 SCC 751,



wherein at paragraphs 10 to 14 it has been held that mere registration of a document in discharge of official duty will not, by itself, constitute an offence of forgery or cheating. The relevant portion of the said Judgments are extracted hereunder:-

“...10. An analysis of section 464 of Penal Code shows that it divides false documents into three categories:

10.1) The first is where a person dishonestly or fraudulently makes or executes a document with the intention of causing it to be believed that such document was made or executed by some other person, or by the authority of some other person, by whom or by whose authority he knows it was not made or executed.

10.2) The second is where a person dishonestly or fraudulently, by cancellation or otherwise, alters a document in any material part, without lawful authority, after it has been made or executed by either himself or any other person.

10.3) The third is where a person dishonestly or fraudulently causes any person to sign, execute or alter a document knowing that such person could not by reason of (a) unsoundness of mind; or (b) intoxication; or (c) deception practised upon him, know the contents of the document or the nature of the alteration.

11. In short, a person is said to have made a 'false document', if (i) he made or executed a document claiming to be someone else or authorised by someone else; or (ii) he altered or tampered a document; or (iii) he obtained a document by practicing deception, or from a person not in control of his senses.

12. The sale deeds executed by first appellant, clearly and obviously do not fall under the second and third categories of 'false

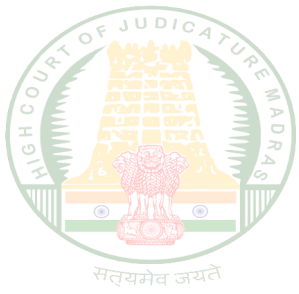


WEB COPY



CrI.O.P.No.3191 of 2026

documents'. It therefore remains to be seen whether the claim of the complainant that the execution of sale deeds by the first accused, who was in no way connected with the land, amounted to committing forgery of the documents with the intention of taking possession of complainant's land (and that accused 2 to 5 as the purchaser, witness, scribe and stamp vendor colluded with first accused in execution and registration of the said sale deeds) would bring the case under the first category. There is a fundamental difference between a person executing a sale deed claiming that the property conveyed is his property, and a person executing a sale deed by impersonating the owner or falsely claiming to be authorised or empowered by the owner, to execute the deed on owner's behalf. When a person executes a document conveying a property describing it as his, there are two possibilities. The first is that he bonafide believes that the property actually belongs to him. The second is that he may be dishonestly or fraudulently claiming it to be his even though he knows that it is not his property. But to fall under first category of 'false documents', it is not sufficient that a document has been made or executed dishonestly or fraudulently. There is a further requirement that it should have been made with the intention of causing it to be believed that such document was made or executed by, or by the authority of a person, by whom or by whose authority he knows that it was not made or executed. When a document is executed by a person claiming a property which is not his, he is not claiming that he is someone else nor is he claiming that he is authorised by someone else. Therefore, execution of such document (purporting to convey some property of which he is not the owner) is not execution of a false document as defined under section 464 of the Code. If what is executed is not a false document, there is



WEB COPY



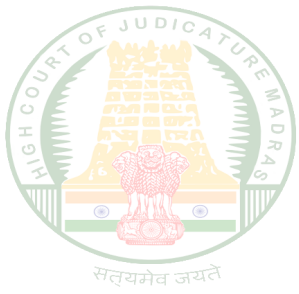
CrI.O.P.No.3191 of 2026

no forgery. If there is no forgery, then neither section 467 nor section 471 of the Code are attracted.

Section 420 IPC

13. Let us now examine whether the ingredients of an offence of cheating are made out. The essential ingredients of the offence of "cheating" are as follows: (i) deception of a person either by making a false or misleading representation or by dishonest concealment or by any other act or omission; (ii) fraudulent or dishonest inducement of that person to either deliver any property or to consent to the retention thereof by any person or to intentionally induce that person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived; and (iii) such act or omission causing or is likely to cause damage or harm to that person in body, mind, reputation or property. To constitute an offence under section 420, there should not only be cheating, but as a consequence of such cheating, the accused should have dishonestly induced the person deceived (i) to deliver any property to any person, or (ii) to make, alter or destroy wholly or in part a valuable security (or anything signed or sealed and which is capable of being converted into a valuable security).

14. When a sale deed is executed conveying a property claiming ownership thereto, it may be possible for the purchaser under such sale deed, to allege that the vendor has cheated him by making a false representation of ownership and fraudulently induced him to part with the sale consideration. But in this case the complaint is not by the purchaser. On the other hand, the purchaser is made a coaccused. It is not the case of the complainant that any of the accused tried to deceive him either by making a false or misleading representation or by any other action or omission, nor is it his case



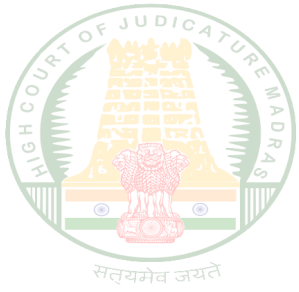
WEB COPY



CrI.O.P.No.3191 of 2026

that they offered him any fraudulent or dishonest inducement to deliver any property or to consent to the retention thereof by any person or to intentionally induce him to do or omit to do anything which he would not do or omit if he were not so deceived. Nor did the complainant allege that the first appellant pretended to be the complainant while executing the sale deeds. Therefore, it cannot be said that the first accused by the act of executing sale deeds in favour of the second accused or the second accused by reason of being the purchaser, or the third, fourth and fifth accused, by reason of being the witness, scribe and stamp vendor in regard to the sale deeds, deceived the complainant in any manner. As the ingredients of cheating as stated in section 415 are not found, it cannot be said that there was an offence punishable under sections 417, 418, 419 or 420 of the Code.”

13. The above said judgment is squarely applicable to the present case on hand. Further, there is no material to show that the petitioner had committed any offence with the other accused persons while registering the Sale Deed in favour of the 4th accused. It is also made clear that the 3rd accused, who is being a Group-A Officer, has power to attest the Life Certificate and he attested the Life Certificate without presence of parties, who were died in the year 2011 and 2014. In so far as the petitioner is concerned, he verified the Life Certificate attested by the 3rd accused and registered the same.



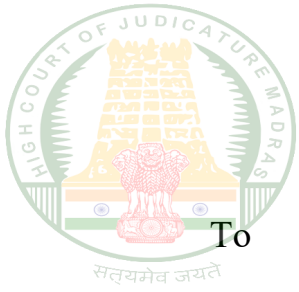
Crl.O.P.No.3191 of 2026

14. In view of the above, the proceedings in F.I.R.No.21 of 2026 on the file of the 1st respondent cannot be sustained and is liable to be quashed.

15. Accordingly, the Proceedings in F.I.R.No.21 of 2026 pending on the file of the 1st respondent is quashed and the Criminal Original Petition is allowed. Consequently, the connected criminal miscellaneous petition is closed.

03.07.2026

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

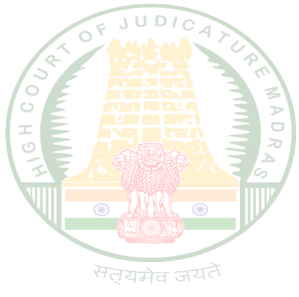


Crl.O.P.No.3191 of 2026

To

WEB COPY

- 1.The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
- 2.The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY



Crl.O.P.No.3191 of 2026

G.K. ILANTHIRAIYAN, J.

dm

Crl.O.P.No.3191 of 2026
and Crl.M.P.No.2227 of 2026

03.07.2026