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CRL OP No. 15933 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**CRL OP No. 15933 of 2023
& CrI.M.P.No.9977 of 2023**

1. S.Ranjithmal Chordia
2. M.Indira Bai Chordia
3. P.Ashok Kumar Chordia

..Petitioner(s)

Vs

1. The Inspector of Police,
Mangalampettai Police Station,
Ulundurpet Taluk,
Villupuram District.

2. A.Thiyagarajan
(Amended as per order dated 06/03/2024 in
CrI.M.P.No.3790/2024 in CrI.O.P.No.15933/2023)

..Respondent(s)

Prayer: The Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.49/2019 on the file of the Judicial Magistrate No.2, Virudhachalam and to quash the same as illegal and abuse of process of law.

For Petitioner(s):

For Respondent(s):

Ms.K.Jenitha

Mr. A. Amarnath

Counsel for Government of Tamil Nadu
(Criminal Side) for R1

Mr.S.Janarthanam for R2



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ORDER

The petition is to quash the impugned final report registered for the offences under Sections 467, 468, 471, 474, 420 and 120(b) IPC.

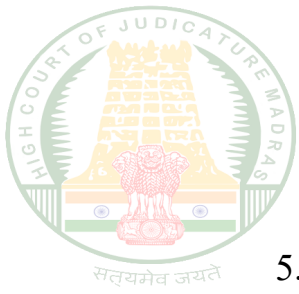
2.The allegation in the final report is that the petitioners had purchased a portion of land in S.No.303/8 measuring an extent of 105 cents from the parents of the defacto complainant, although they had owned only 90 cents of land; that the remaining portion in the said survey number, measuring 42 cents, was purchased in the name of the defacto complainant by his mother, by virtue of a sale deed dated 14.09.1995; that in order to grab the extent of 42 cents in S.No.303/8, the petitioners had purchased 20 cents of land from the legal heirs of one Veeran instead of 12.5 cents, which they were entitled to; and thus committed the aforesaid offences.

3.The learned counsel for the petitioners would submit that a patta was issued in respect of both S.Nos.303/8A and 303/8B in favour of the petitioners and this patta still stands in their name; that they had produced valid documents before the revenue authorities and had obtained the patta;



that based on those documents they had obtained quarry license for a period of 20 years; that the fact that the parents of the defacto complainant had sold excess land cannot be the subject matter of criminal prosecution; that, the sale deeds were executed only by the defacto complainant's parents; and that in any case the false claim of title do not amount to either forgery or cheating as held by this Court and the Hon'ble Supreme Court in several cases.

4.The learned counsel for the defacto complainant, *per contra*, submitted that his parents had title only to the property measuring an extent of 90 cents in S.No.303/8 and not 105 cents as claimed by the petitioners; that the petitioners had also obtained sale deed in respect of another extent of 20 cents from the legal heirs of one Veeran, though he had title only to an extent of 12.5 cents; and that all these acts constitute the offence of forgery and cheating. He would also submit that based on these forged documents, the petitioners had illegally obtained quarry license and had taken possession of the land belonging to the defacto complainant illegally and therefore, the points raised by the petitioners have to be adjudicated only by the trial Court.



5. Heard the learned counsel for Government of Tamil Nadu (Criminal Side) for the first respondent, who reiterates the averments made in the final report.

6. As stated earlier, the allegation in the final report is that the petitioners had obtained a sale deed from the parents of the defacto complainant for an extent of 105 cents, though the parents of the defacto complainant owned only 90 cents. This allegation cannot be countenanced. The sale deed is executed by the vendor and if the parents of the defacto complainant have claimed title over a larger extent of property than they actually owned, the petitioners cannot be faulted and in any case, the petitioners cannot be charged for the offence of forgery. In order to attract the offence of forgery, it has to be established that a false document was executed fraudulently or dishonestly.

7. It is well settled that false claim of title would not amount to forgery as held by the Hon'ble Supreme Court in *Mohammed Ibrahim Vs. State of Bihar and another* reported in (2009) 8 SCC 751. The relevant portion reads as follows;



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“16. 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 bona fide 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.

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

8. Even as regards the offence under Section 420 IPC, it is well settled that unless the accused had deceived the victim, fraudulently or dishonestly and induced him to either part with a property or to do any of the acts mentioned in the said provision, the offence would not be made out. This had



been reiterated by the Supreme Court in ***Mohammed Ibrahim case*** (supra). It

would be apposite to refer to the following observations;

“19.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).

20.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 co-accused.”

It is not the case of the complainant that any false representation was made to him by the petitioners.

9.That apart, admittedly, in respect of S.No.303/8, which has been subsequently sub-divided as 8A and 8B, patta still stands in the name of the parents of the petitioners. Though it is the case of the defacto complainant that patta ought not to have been issued in favour of the petitioners for S.No.303/8A, as he is the title holder, this Court is of the view that it is for



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the defacto complainant to take appropriate steps for cancellation of patta, if he establishes title over the property. It is not for the Police to adjudicate such disputes, unless the ingredients of the offences are made out, as stated above.

10. Thus, the allegations do not constitute any of the offences laid down in the final report. Therefore, no useful purpose would be served in keeping the proceedings pending before the trial Court. Accordingly, the proceedings in C.C.No.49/2019 pending on the file of the Judicial Magistrate No.2, Virudhachalam, stands quashed. However, it is made clear that any observation made in the order would not stand in the way of the defacto complainant establishing his title to the disputed property or seeking cancellation of patta, in the manner known to law.

11. Accordingly, the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

24-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

TSG



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To

1. The Inspector of Police,
Mangalampettai Police Station,
Ulundurpet Taluk,
Villupuram District.
2. The Judicial Magistrate No.2,
Virudhachalam.
3. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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