



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 21564 of 2026

N.Diwakar

..Petitioner(s)

Vs

The State Represented by
The Inspector of Police,
CCB-3, Kama -4, Land Grabbing
Investigation Division-II, Vepery,
Chennai - 600 007.

..Respondent(s)

Prayer: This Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, praying to set aside the order dated 23.01.2026
passed in Crl.R.C.No.53 of 2025, on the file of the Principal Sessions Court,
Chennai and allow the OP.

For Petitioner(s):

Mr.S.Sadasharam

For Respondent(s):

Mr.M.Mohamed Riyaz

Government Advocate (Criminal Side)

ORDER

The prayer in this Criminal Original Petition is to set aside the order
passed in Crl.R.C.No.53 of 2025 on the file of the learned Principal Sessions
Court, Chennai. The petitioner is arrayed as Accused No.5 and is facing trial in
C.C.No.2078 of 2024, which has been taken on file for the alleged offences
under Sections 465, 467, 468, 471, 120-B and 34 of IPC.



2. The crux of the allegations is that there is a parent document of the year 1979, executed by one S.Vijayaraghavan with reference to Survey No.126/1 of Palavakkam Village in favour of one V.Sundar Rajan. Subsequently, by using the said sale deed, one Nirmala Pazhanivel and others allegedly conspired and executed various documents and dealt with the property situated in Neelangarai Village, which belongs to the defacto complainant, by creating a separate set of documents.

3. The learned counsel for the petitioner would contend that, from the above facts, it is evident that the dispute is purely a question of title, wherein both the defacto complainant and the accused claim title, wherein both the defacto complainant and the accused claim title to the property on the basis of two different sets of documents. According to the learned counsel, the issue has to be decided only by the competent Civil Court. It is further contended that the petitioner, who is arrayed as Accused No.5, does not even claim ownership over the property and, therefore, his implication as an accused is wholly unwarranted. It is submitted that, though a discharge application was filed raising the aforesaid grounds, the same was not properly considered either by the trial Court or by the Revisional Court.



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4. The learned Government Advocate (Criminal Side) would submit that, though the matter has the trappings of a civil dispute and the question of title may have to be decided by the Civil Court, the criminal case has been registered only in respect of the allegations of criminality. It is alleged that, by wilfully misusing documents relating to a property situated in another village, repeated documents, including sale deeds, General Powers of Attorney and cancellation of General Powers of Attorney, were created with the intention of grabbing the property, despite having full knowledge that the property did not belong to them, and thereby the deprive the defcato complainant of his property. The learned Government Advocate would further submit that specific averments have been made against the petitioner with regard to his role in the alleged occurrence.

5. I have considered the rival submissions made on either side and perused the materials available on record.

6. As rightly contended by the learned Government Advocate (Criminal Side), though, in the present case, both sides are claiming title to the property on the basis of two different sets of documents, whether the dispute is a genuine dispute relating to title or whether there was any dishonest intention on the part



of the accused is a factual issue which has to be unearthed during the course of the trial.

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7. At this stage, the defacto complainant has alleged dishonest intention and has also specifically attributed a role to the petitioner / A5. Though the petitioner is not the owner of the property, it is alleged that he was at the forefront in questioning the defacto complainant and was also aiding the other accused persons in their alleged attempt to grab the property.

8. The contentions raised by the learned counsel for the petitioner are factual in nature and the same have to be established by way of cross-examination and appreciation of evidence during the course of the trial. Therefore, the petitioner is at liberty to establish his defence during the course of the trial. In such circumstances, the prayer for discharging the petitioner cannot be countenanced.

9. I find no error or illegality in the orders passed by the Trial Court as well as the Revisional Court. Accordingly, finding no merits in this Criminal Original Petition, the same stands disposed of.

10. Considering the hardship pleaded by the petitioner, his personal appearance before the Trial Court is dispensed with, except on such hearing as



the Trial Court may specifically insist upon. This is subject to the condition that the petitioner shall be represented by his counsel on all other dates and shall extend full cooperation for the expeditious disposal of the case.

06-08-2026

Neutral Citation: Yes/No

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To

1.The learned Principal Sessions Court,
Chennai.

2.The Inspector of Police,
CCB-3, Kama -4, Land Grabbing
Investigation Division-II, Veperiy,
Chennai - 600 007.

3.The Public Prosecutor,
High Court of Madras.



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CRL OP No. 21564 of 2



D.BHARATHA CHAKRAVARTHY, J.

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CRL OP No. 21564 of 2026

06-08-2026