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Crl.O.P.No.468 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 09.07.2025**

**CORAM**

**THE HON'BLE MR. JUSTICE P.VELMURUGAN**

**Crl.O.P.No.468 of 2024  
and  
Crl.M.P.No. 302 of 2024**

Gnanasekaran

... Petitioner

Vs

1. State represented by,  
The Sub Inspector of Police,  
DCB, ALGSC,  
Krishnagiri District.

2. B.Jarina

... Respondents

**PRAYER:** Criminal Original Petition filed under Section 528 of BNSS 2023, to call for the records in Crime No.8 of 2023 on the file of the first respondent-Police and quash the same.

For Petitioner : Mr.A.Velmurugan

For R1 : Dr.C.E.Pratap  
Government Advocate (Crl.Side)

For R2 : Mr.S.Mahesh Kumar



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## **ORDER**

This Criminal Original Petition has been filed to call for the records in Crime No.8 of 2023 on the file of the first respondent-Police and quash the same.

2. Heard the learned counsel appearing for the petitioner, learned counsel for the second respondent and the learned Government Advocate (Crl.Side) appearing for the first respondent-Police and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the petitioner is only a purchaser of the property. Civil suit is also pending with regard to the said property. Based on a false complaint given by the second respondent herein, the first respondent Police registered a case in Crime No.8 of 2023. There is no allegation available as against the petitioner and there is no specific overtact as against the petitioner. The *de-facto* complainant tried to give a criminal colour to the civil dispute. Hence, the petitioner prayed for quashing of the F.I.R.



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4. Learned counsel for the second respondent/defacto complainant submitted that based on the forged legal heir certificate, the petitioner created a document as if he is a legal heir of the deceased/title holder.

5. Learned Government Advocate (Crl.Side) appearing for the respondent-Police submitted that due to the interim stay granted by this Court, the first respondent Police is unable to proceed with the investigation further and no summon was sent to the petitioner for recording statement.

6. Learned counsel for the second respondent submitted that *prima facie* allegations are available as against the petitioner. The competent authority has given a reply to the query raised under RTI Act, reveals that the legal heir certificate issued to the petitioner was not issued by the competent authority and the same was probed by the Investigating Officer also. If the Investigation Officer proceeds with the investigation, then, the truth will come out. Hence, prayed for dismissal of the criminal original petition.



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7. F.I.R is not an encyclopedia. The allegation is that the petitioner had manipulated the legal heir certificate. As on date, the de-facto complainant has not been summoned to record statement under Section 161 Cr.P.C., In such view of the matter, this Court directs the first respondent police to send summons to both the petitioner and the *de-facto* complainant for recording of statement and proceed with the investigation further in accordance with law.

8. With the abovesaid direction, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

**09.07.2025**  
**( 1/2 )**

*mfa*

*Index: Yes/No*

*Speaking Order: Yes/No*

*Neutral Citation: Yes/No*

To



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1. The Sub Inspector of Police,  
DCB, ALGSC,  
Krishnagiri District.
2. The Public Prosecutor,  
High Court, Chennai.



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**P.VELMURUGAN, J**

*mfa*

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