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Crl.O.P.No.1986 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.1986 of 2024

and

Crl.M.P.Nos.1441 of 2024 & 6936 of 2025

1. R.Paneerselvam
2. S.G.Vivekanandan ... Petitioners

Vs.

1. The State represented by,
The Sub-Inspector of Police,
Nagapattinam Police Station,
Nagapattinam District. (Crime No.12 of 2021)
2. Azeesur Rahuman ... Respondents

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, to call for the records in connection with Crime No.12 of 2021 on the file of the first respondent Police and to quash the FIR

For Petitioner : Mr.R.Srinivas, Senior Counsel
for Mrs.V.Mythili

For R1 : Mr.K.M.D.Muhilan
Additional Public Prosecutor

For R2 : Mr.Abdul Mubeen



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ORDER

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The Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.12 of 2021, pending on the file of the first respondent Police, registered for the offences under Sections 294(b), 403, 418, 420, 425 and 506(1) of IPC.

2. Heard both sides and perused the materials available on record.

3. The allegations in the First Information Report indicate that the de facto complainant has alleged that the disputed property was originally dedicated to Trust, which was created in the year 1946, for charitable purposes to establish darga. It is further alleged that the accused attempted to make claim right over the property and tried to obtain patta, which was objected to by the de facto complainant. Thereafter, the accused sold the property in the year 2020 and subsequently, obtained patta by illegal means.

4. The contention of the learned counsel appearing for the petitioners is that absolutely the First Information Report is nothing but an abuse of process of law. According to him, the property in question is the separate ancestral property of the first petitioner's predecessors. To



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substantiate his contention, the learned counsel produced copies of the registered documents namely, the partition deed dated 31.03.2022, the sale deed dated 05.03.1948 and the partition deed dated 10.05.1953. Further, a Will dated 27.01.2006 was executed in favour of the first petitioner by his father, N.A.Ramasamy and pursuant to which, the first petitioner executed a sale deed in favour of the second petitioner vide document dated 19.10.2020. The series of registered documents from 1922 to 1953 clearly indicate that the property had been transferred long ago and enjoyed by the respective parties.

5. Though the de facto complainant claims that the Trust was created in the year 1946, the petitioners, based on the above registered documents, have exercised their rights over the property. Such being the position, mere execution of documents or obtaining of mutation in the revenue records, based on long standing registered deeds would not amount to creation of false documents or records so as to attract the offence under Section 465 IPC.

6. Therefore, in view of the above, this Court is of the opinion that when a person exercises his individual rights over the property derived from



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registered documents, any act done in respect of such property would not attract any criminal liability. Therefore, the dispute between the parties is purely of a civil nature. If at all the parties intend to establish their respective rights, it is always open to them to seek appropriate relief before the competent civil court.

7. In view of the above, this Court is inclined to quash the First Information Report by exercising its jurisdiction under Section 482 of Cr.P.C.(corresponding to section 528 BNSS).

8. Accordingly, this Criminal Original Petition stands allowed. The First Information Report in Crime No.12 of 2021, pending on the file of the first respondent, is hereby quashed as against the petitioners. Consequently, the connected miscellaneous petitions are closed. The parties are at liberty to work out their remedies before the competent civil Court.

18.09.2025

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Neutral Citation: Yes/No

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1. The Sub- Inspector of Police,
Nagapattinam Police Station,
Nagapattinam District.
2. The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

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