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Crl.A.No.727 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2025

CORAM :

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.A.No.727 of 2015

Rani

... Appellant/Complainant

v.

1. A.K.Govindasami

2. A.K.Chandrayasami

3. K.Krishnan

... Respondents/Accused

Criminal Appeal filed under Section 378(4) of Code of Criminal Procedure, against the acquittal made in C.C.No.17 of 2010 on the file of the learned Judicial Magistrate No.III, Tirupathur on 27.02.2015 by allowing the Criminal Appeal.

For Appellant : Mr.V.K.Sathiamurthy

For Respondents : No Appearance



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JUDGMENT

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The complainant aggrieved by the judgment of acquittal passed in C.C.No.17 of 2010 on the file of the learned Judicial Magistrate No.III, Tirupathur, on 27.02.2015, has preferred the instant appeal.

2. (i) The case of the complainant is that the complainant/appellant and the accused/respondents are siblings; that accused claiming to be exclusive owners of the disputed property, had made a false statement to the authorities under the Land Acquisition Act and received compensation excluding the complainant; that thereby cheated the complainant; and thus, committed the offence under Sections 420, 464 and 471 of the IPC.

(ii) The complaint was tried as C.C.No.17 of 2010 by the learned Judicial Magistrate No.III, Tirupathur. The complainant examined five witnesses as PW1 to PW5 and marked 12 documents as Ex.P1 to Ex.P12. The accused/respondents neither examined any witness nor marked any document.

(iii) The learned Magistrate found that there is a dispute with regard to



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the title of the property; that the statement made by the accused/respondents before the authorities under the Land Acquisition Act cannot be said to be false; and therefore, held that accused/respondents have not committed any offence. Hence, the appeal.

3. Mr.V.K.Sathiamurthy, learned counsel for the appellant, would strenuously contend that Ex.P9-Patta, which was relied upon by the trial Court to hold that respondents had title over the property, was itself obtained by giving false information to the revenue authorities; that the mere fact that a civil suit is pending would not absolve the respondents of the offence of forgery and cheating; and therefore, submitted that the finding of acquittal is perverse. He would further submit that the legal heirship certificate indicates that the petitioner, her two sisters and the respondents were the legal heirs of their mother-Anumiyammal, who originally owned the property.

4. Though notice has been served on the respondents, none has entered appearance.



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5. As stated earlier, the prosecution had examined five witnesses. The complainant was examined as PW1; her husband was examined as PW2; the Tasildhar was examined as PW3; and the Village Administrative Officers were examined as PW4 and PW5.

6. It is not in dispute that Ex.P9-Patta was issued by PW3. Therefore, Ex.P9 based on which the respondents claimed compensation, is admittedly not forged. The only grievance of the complainant appears to be that Ex.P9 itself was obtained by giving false information. The complainant was aware of the grant of patta in favour of the respondents. However, she had not challenged the said proceedings or taken steps to cancel the patta in favour of the respondents.

7. That apart, as rightly observed by the trial Court, the complainant has preferred a civil suit for partition and she claimed a share in the property. Though it is not disputed that the complainant was also a legal heir along with the respondents of their mother Anumiyyammal, who originally owned the property, the question is whether the property in



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question belonged to the respondents.

8. This issue was pending before the civil Court at the relevant point of time and the learned counsel for the appellant is unable to ascertain the present position of the said civil suit.

9. Be that as it may. The trial Court found that neither the offence of cheating nor the offence of forgery was made out in the facts and circumstances of the case since, admittedly, the respondents had a valid patta in their name, which was confirmed by PW3 in his deposition. This Court finds that the dispute is primarily civil in nature. There is no perversity in the judgment of the trial Court warranting interference in an appeal against acquittal. Accordingly, the criminal appeal stands dismissed.

04.07.2025

Index : yes/no

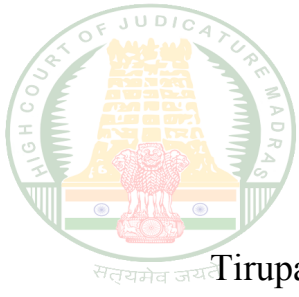
Speaking /Non-speaking order

Neutral citation : yes/no

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To

The Judicial Magistrate No.III,



Tirupathur.

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SUNDER MOHAN, J.

ars

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