



Crl.O.P.No.7895 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

**Crl.O.P.No.7895 of 2025**

B.Mathivanan

... Petitioner

Vs

1. T.R.A.Rajagopal

2. T.R.A.Sankaranarayanan

3. T.R.A.Veeramani

... Respondents

**PRAYER:** Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023/ Section 482 of Cr.P.C, to set aside the order dated 07.01.2025, passed by the II Additional District and Sessions Judge, Tiruchengode in Criminal Appeal No.132 of 2023, which had confirmed the order dated 09.02.2023, passed by the Additional District Munsif Court, Tiruchengode in I.A.No.9 of 2022 in O.S.No.266 of 2013.

For Petitioner : Mr.SP.Chockalingam

**ORDER**

This Criminal Original Petition has been filed to set aside the order dated 07.01.2025, passed by the II Additional District and Sessions Judge, Tiruchengode in Criminal Appeal No.132 of 2023, thereby confirming the order passed by the Additional District Munsif Court, Tiruchengode in I.A.No.9 of 2022 in O.S.No.266 of 2013 dated 09.02.2023.

2. Heard the learned counsel for the petitioner and perused the



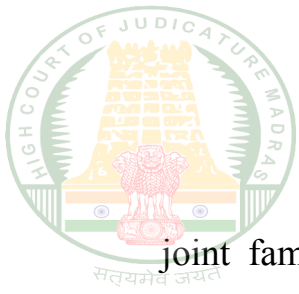
Crl.O.P.No.7895 of 2025

materials placed on record.

WEB COPY

3. The petitioner is a plaintiff in O.S.No.266 of 2013, on the file of the District Munsif Court, Tiruchengode for declaration, possession and mandatory injunction. Pending suit, the petitioner filed an application for interim injunction in I.A.No.704 of 2013. The defendants 1 to 3 viz., the respondents herein filed a counter along with a rough plan in I.A.No.704 of 2013. In the rough plan, they have mentioned the east-west width of land of the entire joint family property as 32.5 feet, which includes the first item of suit property belonged to the petitioner. As shown in the said rough plan, east-west width of land of the defendant nos.4 to 7 as 7.3 feet and the east-west width of the land of the defendants nos.1 to 3 is 13 feet plus 1.5 feet for the sun shade of their windows and into 14.5 feet and the east-west width of the land is 10.7 feet. Thereafter, the first defendant was examined as D.W.1 and marked three documents as B2 to B4.

4. While being so, the petitioner filed an application under Section 340 of Cr.P.C to take appropriate action against the respondents 1 to 3 alleging that a false statement and a false declaration were made by them before the Revenue authorities as if no case is pending before any Court in respect of their



Crl.O.P.No.7895 of 2025

joint family property and also obtained patta transfer order in their favour.

Thereafter, patta was also transferred in their favour.

5. Admittedly, the petitioner did not challenge the order passed by the revenue authorities. Instead, the petitioner lodged a complaint that the documents were forged in the judicial proceedings. Exs.B2 to B4 were issued by the competent authority and as such, it cannot be said that the respondents had produced forged and fabricated documents before the Trial Court. Further, the petitioner alleged that the respondents made false statements in the counter filed in IA.No.704 of 2013. On the basis of the documents which were marked as Exs.B2 to B4, they made statements in the form of defence and filed a counter. Therefore, it cannot be said that they made a false statement and also false representation.

6. In view of the above, the Trial Court as well as the appellate Court had rightly dismissed the application filed by the petitioner and this Court finds no infirmity or illegality in the order dated 07.01.2025, passed by the II Additional District and Sessions Judge, Tiruchengode in Criminal Appeal No.132 of 2023.



Crl.O.P.No.7895 of 2025

7. Accordingly, this Criminal Original Petition stands dismissed.

WEB COPY

18.03.2025

Internet: Yes  
Index: Yes/No  
Speaking/Non speaking order  
mn



CrI.O.P.No.7895 of 2025

WEB COPY

To

1. The II Additional District and Sessions Judge, Tiruchengode.
2. The Additional District Munsif Court, Tiruchengode.
3. The Public Prosecutor,  
High Court, Madras.



WEB COPY



Crl.O.P.No.7895 of 2025

**G.K.ILANTHIRAIYAN. J.**

mn

Crl.O.P.No.7895 of 2025

18.03.2025