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Crl.O.P.No.11958 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.11958 of 2025
and
Crl.M.P.Nos.7964 & 7965 of 2025

1. K.Lalitha
2. K.Gunasekaran ... Petitioners

Vs.

1. The State represented by,
The Inspector of Police,
Anti Land Grabbing Special Cell,
Villupuram. (Crime No.26 of 2018)
2. Panneerselvam ... Respondents

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS,
to call for the records in C.C.No.169 of 2023 on the file of the learned
Judicial Magistrate No.I, Tindivanam, and to quash the same.

For Petitioners : Mr.P.Kannankumar
For R1 : Mr.K.M.D.Muhilan
Additional Public Prosecutor
For R2 : No Appearance



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ORDER

The Criminal Original Petition has been filed seeking to quash the proceedings pending against the petitioners in C.C.No.169 of 2023, pending on the file of the learned Judicial Magistrate No.I, Tindivanam.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3. Based on the complaint lodged by the de facto complainant/second respondent, alleging that the accused, by impersonating the de facto complainant and fabricating documents, had fraudulently executed a sale deed, a case in Crime No. 26 of 2018 came to be registered for the offence under Sections 120B, 419, 423, 467, 468 and 471 IPC and Section 82(c) of the Registration Act. After completion of investigation, a charge sheet was filed against the petitioners, who are arrayed as A6 & A7, along with other accused and the same was taken cognizance of in C.C.No.169 of 2023 before the learned Judicial Magistrate No.I, Tindivanam. The third accused is alleged to have impersonated the de



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facto complainant and executed a sale deed in favour of A1, while accused 4 and 5 are the purchasers of the property and the sixth and the seventh accused are the officials in the Registrar office.

4. The contention of the learned counsel appearing for the petitioners is that the petitioners were serving as the Sub-Registrar and the Assistant Sub-Registrar respectively at the relevant point of time. The only allegation against the petitioners is that being officials of the Registration Department, they were aware of the alleged forgery and had assisted the other accused. He further submitted that there was no criminal conspiracy and that on the date of registration of the documents, there was no e-KYC verification mechanism, therefore, the petitioners cannot be held responsible for the non-verification of the identity cards. Further, the property dispute has already been settled before the Lok Adalat in the year 2023, wherein, the documents illegally registered through impersonation were declared as null and void.

5. He further submitted that the petitioners are aged about 65 years, that there are no specific allegations against them and that no other material is available to substantiate the prosecution case in respect of the



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petitioners. Hence, he prayed that the proceedings against the petitioners be quashed.

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

7. A perusal of the entire final report indicates that except for the registration of the documents, no other specific allegation has been made, particularly with regard to the alleged crime. None of the witnesses have spoken about the involvement of the petitioners. The main allegation is attributed against the third accused, who is said to have impersonated the de facto complainant and executed the sale deed in favour of the first accused. No other allegation whatsoever is made against the present petitioners. Therefore, the entire materials collected by the prosecution, even if taken at their face value, do not constitute any offence against the petitioners.

8. It is to be noted that while exercising the power under Section 482 Cr.P.C (corresponding to Section 528 BNSS), the Court should be slow. At the same time, if the Court finds that the entire in such a situation, directing the parties to undergo the ordeal of trial would be a futile exercise and would infringe the right of the persons concerned. In this regard, the



Apex Court in State of Haryana and others Vs. Bhajan Lal and Others

reported in 1992 Supp (1) Supreme Court Cases 335, has been held as follows :-

'.....

(a) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;

(b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;

(c) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

(d) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;



(e) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(f) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(g) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.'

9. Considering the above facts, this Court is of the view that the mere launching of an FIR by the prosecution itself is not sufficient to reach the conclusion that the offences are made out. The materials collected by the prosecution do not support the case, therefore, continuing the prosecution on such shaky grounds or without any materials would amount to a clear abuse of the process of law.



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10. Accordingly, this Criminal Original Petition is allowed and the proceedings pending against the petitioners in C.C.No.169 of 2023, on the file of the learned Judicial Magistrate No.I, Tindivanam, is quashed as against the petitioners. Consequently, the connected miscellaneous petitions are closed.

23.09.2025

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Neutral Citation:Yes/No

To

1. The Judicial Magistrate No.I,
Tindivanam.
2. The Inspector of Police,
Anti Land Grabbing Special Cell,
Villupuram.
3. The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

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