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Crl.O.P.No.13685 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.07.2025

Coram:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

Crl.O.P.No.13685 of 2025

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1.Vijaya @ Vijayalakshmi
2.U.Vinothkumar

.. Petitioners

Vs.

1.The Inspector of Police,
District Crime Branch,
Vellore.

2.S.Ravichandran

.. Respondents

Criminal Original Petition filed under Section 528 of BNSS, to call for the records in C.C.No.06 of 2025 on the file of the learned Judicial Magistrate No.IV, Vellore and quash the same in so far as the petitioners.

For petitioners : Mr.M.R.Thangavel

For respondents : Dr.C.E.Pratap



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ORDER

The petitioners have filed the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to quash the proceedings in C.C.No.6 of 2025 on the file of the learned Judicial Magistrate No.IV, Vellore, arising out of Crime No.7 of 2020.

2. The case arises from a complaint lodged by the second respondent, who is the de-facto complainant, alleging that the petitioners, arrayed as A2 and A3, conspired with A1, namely Udhayakumar the complainant's brother in a fraudulent arrangement whereby A1 impersonated the complainant and executed a forged settlement deed purporting to transfer his 1/8th undivided share in the ancestral property. It is further alleged that pursuant to the said act of impersonation, a subsequent settlement deed was executed in favour of the second petitioner (A3), thereby effecting an illegal and unauthorized conveyance of the complainant's rightful interest in the ancestral estate.

3. The learned counsel for the petitioners submitted that the 2nd petitioner (A3) had only received 7/8th share through the settlement deed executed by his father, A1, and the remaining 1/8th share allegedly belonging to the de-facto complainant was not conveyed. It was contended that the petitioners have not



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impersonated anyone or forged any documents. It was also submitted that there was a subsequent amicable settlement between A1 and the de-facto complainant, wherein a sum of Rs.12,00,000/- was paid by A1 and a consent deed was executed. A letter withdrawing the complaint was also allegedly sent by the de-facto complainant to the Investigating Officer.

4. Despite service of notice, there is no representation for the second respondent.

5. The learned Government Advocate (Criminal Side) appearing for the first respondent submitted that the investigation revealed that A1 impersonated the de-facto complainant and executed a forged settlement deed, and that the petitioners, in active connivance, participated in the chain of events which culminated in the alienation of the complainant's undivided share. It was submitted that the role of the petitioners, including the benefit derived from the alleged forgery and their involvement during the confrontation, is prima facie established through the statements of witnesses and materials collected during investigation.

6. This Court has carefully perused the FIR, final report, and the documents annexed thereto. The materials on record disclose that A1 and the de-facto complainant are siblings and legal heirs of the deceased Sambantha Mudaliar. It is

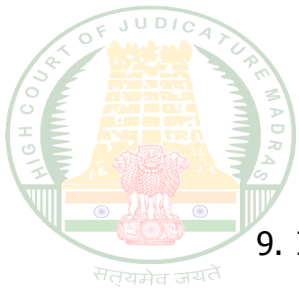


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not in dispute that after release deeds were executed by other heirs in favour of A1, a settlement deed was allegedly executed by impersonating the de-facto complainant and thereafter, a further settlement deed was executed in favour of the second petitioner.

7. The final report alleges that the petitioners were not only aware of the act of impersonation but also played an active role in facilitating and giving effect to the fraudulent transaction. Statements of witnesses recorded under Section 161 CrPC (now Section 180 of the Bharatiya Nagarik Suraksha Sanhita) refer to an incident involving the de-facto complainant and the accused, during which the accused allegedly resorted to pressure and intimidation. Though it is contended by the petitioners that a compromise had been entered into between the parties and that the complaint was sought to be withdrawn, the final report has been filed, and the learned Magistrate has taken cognizance of the same.

8. It is a settled principle that at the stage of considering a petition for quashment, the Court is not expected to conduct a mini-trial or assess the sufficiency of evidence. If the allegations, taken at face value, disclose the commission of an offence and are supported by materials collected during investigation, the Court would not ordinarily interfere with the proceedings.



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9. In the present case, there are specific and prima facie allegations against the petitioners, including the benefit derived from the alleged act of impersonation and the role attributed to them in connection with the alleged transaction. Whether the petitioners acted in connivance with A1 or whether the allegations will ultimately stand the test of trial are all matters to be established during the course of evidence.

10. Accordingly, this Court is of the view that the proceedings cannot be quashed at this stage. However, it is open to the petitioners to raise all their contentions during the course of trial.

11. With the above observations, this Criminal Original Petition stands dismissed.

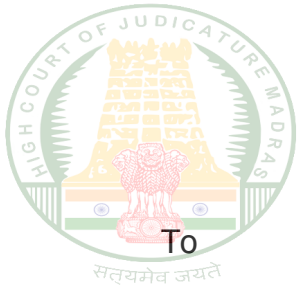
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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No



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To

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1. The Inspector of Police,
District Crime Branch,
Vellore.
2. The Judicial Magistrate No.IV, Vellore
3. The Public Prosecutor, Madras High Court, Chennai.



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