



Crl.O.P.No.13073 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.13073 of 2025
and Crl.M.P.Nos.8637 & 8641 of 2025

1.Kalamani @ Mahalakshmi

2.Baby

3.K.Saravanamoorthy

.. Petitioners

Vs.

S.Muthusamy (Died)

M.Savithiri

.. Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 528 of BNSS, to call for the records relating to the order dated 30.11.2021 passed in Crl.M.P.No.861 of 2021 in O.S.No.789 of 2011, on the file of the II Additional Sub-Court, Coimbatore and quash the same insofar as the petitioners are concerned.

For Petitioner : Mr.R.Bharath Kumar

For Respondent : Mr.K.Myilsamy



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ORDER

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The order of the learned II Additional Sub Judge, Coimbatore for taking cognizance of the offences under Sections 193, 199 and 200 r/w.209 IPC as against the petitioners herein for falsification of evidence before the Court, has been put under challenge in the present petition.

2. Heard the learned counsel for the parties.

3. The learned counsel for the petitioners submitted that the petitioners herein are villagers/farmers and illiterates and no way connected with the offences as alleged against them in the order dated 30.11.2021. He further submitted that the mistake in the plaint have been inadvertently committed by their counsels, whose petitions filed before this Court as against the order passed in Crl.M.P.No.861 of 2021 in O.S.No.789 of 2011 have been quashed and prayed this Court to extend the same benefits to them.

4. The learned counsel for the respondent submitted that the petitioners along with their counsels have fabricated their mortgage document as sale deed and obtained a decree. He contended that the plaintiffs, defendants and their respective counsels conspired together with



an ulterior motive and filed a compromise petition in I.A.No.792 of 2012 in

WEB O.S.No.789 of 2011 and had obtained a compromise decree. Moreover, he

submitted that the petitioners herein without any title or enjoyment of the subject property, had created false documents and filed the suit and abused the process of Court. Hence, the respondent has filed the complaint in which the impugned order has been passed for initiating action against the petitioners and others for producing false evidence before the Court. Therefore, he prayed this Court to dismiss the petition.

5. Considered the rival submissions made by the respective counsels and also perused the materials produced on record.

6. The allegations levelled against the petitioners herein is that, they have created false documents and obtained a decree in respect of the respondent's property. Furthermore, they have been prosecuted on the basis of the enquiry conducted by the trial Court. It appears that one witness namely, PW1 was examined and 23 documents were marked. When the prosecution itself was initiated pursuant to the enquiry conducted by the trial Court, this Court is of the opinion that while sitting in 482 jurisdiction, it cannot conduct mini trial in this case, it is for the trial Court to appreciate the



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evidence and dispose of the case.

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7. In view of the above, the Criminal Original Petition stands dismissed. Consequently, the connected Miscellaneous Petitions are also closed, if any.

01.09.2025

DP



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To

- 1.The II Additional Sub-Court,
Coimbatore .
- 2.The Public Prosecutor,
Madras High Court.



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N. SATHISH KUMAR, J.

DP

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