



Crl.O.P.Nos.9170, 11153, 11115 and 11116 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment Reserved on : 04.07.2025

Judgment Delivered On : 24.09.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.Nos.9170, 11115, 11116 and 11153 of 2023

M/s.Pee & Dee Lands Holdings (P) Ltd.

Represented by its Chairman

N.Palaniswamy

No.82, Cathedral Road

Gopalapuram,

Chennai - 600 086

... Petitioner Crl.OP.No.9710/2023

L.Narayanamoorthy

... Petitioner in Crl.OP.No.11115/2023

Mr.K.K.Ajeethkumaar

... Petitioner in Crl.OP.No.11116/2023

Kavitha Jayanthi

... Petitioner in Crl.OP.No.11153/2023

Vs.

The State

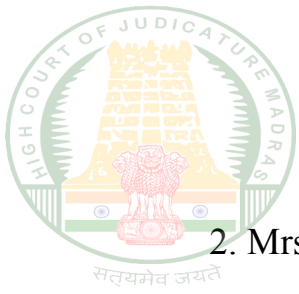
1. Represented by the Inspector of Police

Central Crime Branch

ALGSC I, Team XVI A

Vepery, Chennai - 7

Crime No.525 of 2015



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2. Mrs.Ragini Rajkumar (Deceased)

WEB COPY 3. R.Rajkumar

4. Akshya Rajkumar

(R3 and R4 are impleaded as per orders dated 05.07.2023
in CrI.MP.No.9293/2023 in CrI.OP.No.9170/2023,
in CrI.MP.No.9295/2023 in CrI.OP.No.11115/2023,
in CrI.MP.No.9296/2023 in CrI.OP.No.11116/2023
in CrI.MP.No.9292/2023 in CrI.OP.No.11153/2023

... Respondents in all CrI.OPs.

Common Prayer: Criminal Original Petition is filed under Section 482
Cr.P.C. to call for the records in Crime No.525 of 2015 on the file of the
first respondent and quash the same.

For Petitioner in CrI.OP.

Nos.9170/2023 and 11115/2023 : Mr.P.V.Balasubramanian
Senior Counsel
for Mr.Akhil Bhahsali

For Petitioner in CrI.OP.

No.11116/2023 : M/s.Devi

For Petitioner in CrI.OP.

No.11153/2023 : M/s.Manivasagam Associates

For 1st Respondent in all CrI.OPs. : Mr.S.Vinoth Kumar

Government Advocate (CrI. Side)

Second Respondent in all Cases : Died

For Respondents 3 & 4 in all CrI.OPs. : Mr.Arun Saxena



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ORDER

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These Criminal Original Petitions have been filed to quash the First Information Report in Crime No.525 of 2015 on the file of the first respondent.

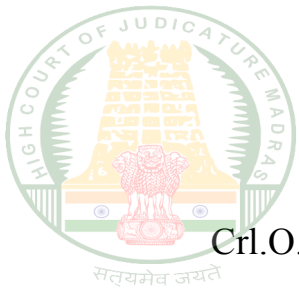
2. The case of the prosecution is that the second respondent/defacto complainant (deceased) is the owner of the land measuring about 80 grounds in Thiruvanmiyur, Chennai. The said property was sold to the second respondent and her sister Usha during the year 1959 vide Doc. No.1735/1959 (sale deed). During the year 2000, A1-Durairaj Naicker and others created frivolous document and with those documents, sold the property to A2-M/s.Pee and Dee Lands Holdings (P) Ltd./petitioner in CrI.O.P.No.9170 of 2023. The defacto complainant came to know about the same only in the year 2012 when the accused demolished the superstructures and when the same was questioned by the second respondent's sister Sarojini, she was threatened with life. Further, patta was granted to the A2 based on the cooked up documents without application of mind. Hence, the defacto complainant challenged the issuance of patta before the DRO and the DRO



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subsequently cancelled the patta issued to A2. Hence, based on the complaint lodged by the second respondent on 10.01.2014, the first respondent police, registered the case in Crime No.525 of 2015 against the petitioners and others for the offences under Sections 465, 467, 468, 471, 420 read with 120(B) IPC. Pending investigation, the petitioners have filed the present petitions seeking to quash the said FIR registered against them.

3. The learned counsel for the petitioner in Crl.O.P.No.9170 of 2023 submitted that the dispute between the parties is civil in nature. The petitioner/M/s.Pee and Dee Lands Holdings (P) Ltd./A2 is doing the business of real estate for the past several decades. During the course of the business, the petitioner/company purchased the subject property after due diligence from various quarters for a valuable sale consideration. The disputed property was originally purchased by Dr.Kuppusamy Naicker in Court Auction sale by Civil Court at Poonamallee in 1891 and ever since it was under the possession of his family members. The legal heirs of the said Dr.Kuppusamy Naicker's sons i.e. M.K.Kannappa Naicker and M.K.Ramadoss Naicker including the petitioner in



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CrI.O.P.No.11153 of 2023 who is the grand daughter of M.K.Kannappa

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Naicker appointed A8/petitioner in CrI.O.P.No.11116 of 2023 as their registered power agent to deal with the said property who in turn sold the properties to M/s.Pee & Dee Lands Holdings (P) Ltd/A2 through registered sale deed dated 07.10.2011 vide Doc.No.10756/2011 on the file of Sub Registrar-1, Saidapet, Chennai. After purchasing of the property, A2 obtained patta from the revenue authorities in their favour. Thereafter, the second respondent/defacto complainant filed a PIL in W.P.No.24999 of 2012 before this Court and the same was dismissed by order dated 20.09.2012 observing that the writ petition filed as Public Interest Litigation was wholly misconceived, mala fide and not maintainable.

3.1 Even earlier a criminal complaint was lodged by one Sabjan with J-6 Thiruvanmiyur Police Station on 11.06.2012 and based on which, a case was registered in Crime No.1119 of 2012. On the strength of the FIR, the second respondent started harassing the petitioner and coercing the petitioner to settle the dispute through Kattapanchayat and heed to their demands. Aggrieved by the criminal act of the second respondent, the petitioner filed a Writ Petition in W.P. No.15610 of



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2012 before this Court. Even in the affidavit filed by the Commissioner

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of Police in the said Writ Petition, it was admitted that the dispute between the parties is civil in nature and therefore, any issues, will have to be dealt with only by the appropriate civil Court. Therefore, the present dispute does not warrant interference from the police. However, the second respondent with some political influence has sought to convert a civil dispute into criminal case which is nothing but abuse of process of law.

3.2 Meanwhile, the second respondent/defacto complainant approached the District Registrar -Administration for cancellation of sale deed registered in favour of the petitioner. After thorough enquiry, the District Registrar held that the sale deed was registered with proper documents, vide his order dated 21.03.2013. Aggrieved by the same, the defacto complainant preferred an appeal before the Assistant Inspector General Registration (AIG). After detailed enquiry, the AIG held that the defacto complainant did not produce any valid and related documents to establish that the property belonged to her and hence rejected the appeal vide order dated 22.09.2015. The second statutory proceedings before the registration authorities had been mysteriously suppressed before the



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police authorities and till now the defacto complainant has not challenged the order passed by AIG dated 21.03.2013.

3.3. Further, the patta issued by the Tahsildar vide order dated 13.01.2012 was challenged by the second Respondent before the District Revenue Officer Chennai (hereinafter referred as DRO). The DRO not only cancelled the patta (TSLR) issued by the Tahsildar, but also decided upon the title by the order dated 07.01.2013 in a mechanical manner and without proper application of mind and also directed to restore the revenue records to its original entry.

3.4 The order of the DRO dated 07.01.2013 was challenged before this Court in WP.No.2680 of 2013 and this Court after hearing all the parties to the writ petition passed a detailed order dated 28.09.2016 by setting aside the order of the DRO dated 07.01.2013 and restored the patta in favour of the petitioner and directed the parties to agitate the rights before the civil forum with regard to title. It is relevant to note that the second respondent never disclosed the fact before this Court that a complaint was preferred before the first respondent/police. This Court was pleased to observe that the incumbent DRO cannot assume the role of a civil court to adjudicate the dispute between the parties and noted



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that the dispute between the parties is purely civil in nature. This Court also directed the second respondent to seek remedy before appropriate civil forum, whereas the second respondent never approached the civil Court and has also not challenged the sale deed in favour of the petitioner in a manner known to law.

3.5 Aggrieved over the order passed in W.P.No.2680 of 2013, the second respondent preferred Writ Appeals in W.A.Nos.1625 of 2016, 1626 of 2016 and 915 of 2017 before the Division bench of this High Court. After affording opportunity to all the parties, the Hon'ble Division bench held that the order of learned single judge was correct in holding that the title decided by the DRO is erroneous and partially modified the order directing the Tahsildar to consider the patta transfer application filed by the petitioner dated 14.11.2011 afresh by putting all parties on notice and decide the issue.

3.6 Obeying the order passed in Writ appeal stated supra, the Tahsildar, conducted a detailed enquiry after affording opportunity to all parties as required by the Division Bench including the second respondent and passed an order afresh on the application of the petitioner dated 14.11.2011, thus granted patta to the petitioner by passing a well-



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reasoned order through proceedings bearing No. Na.Ka.A2/5413/2016

dated 31.10.2019. The Order of the Tahsildar would clearly shows that

the second respondent does not have any documents to prove her title or to prove that she is in possession of the property and therefore has not made out a case for grant of patta in her favour. The petitioner on the other hand has proved its title as well as possession of the property and therefore the patta was granted in favour of the petitioner.

3.7 Aggrieved over the same, the second respondent once again filed an appeal before the DRO, to cancel the patta issued by the Thasildhar thus once again repeating the entire exercise for obvious reasons. Hence in order to avoid the protracting practice devised by the second respondent, the petitioner approached this Court in WP No.13499 of 2020 and this Court was pleased to stay the proceedings before the DRO by its order dated 25.09.2020.

3.8. During the pendency of Writ Petition in W.P.No.2680 of 2013, the second Respondent filed a false, fabricated and concocted complaint before the Commissioner of Police, Chennai on 10.01.2014 in a desperate bid to short-circuit court decisions against her. The entire criminal complaint is mischievous, an abuse of the process of law and



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made with the malicious intention of torturing the petitioner with a premeditated intention of grabbing his property. The criminal complaint was transferred to the Central Crime Branch (CCB) and without conducting any enquiry or investigation and without even serving a notice upon the petitioner, the CCB registered a First Information Report (FIR) in Crime No.525 of 2015 on 23.12.2015.

3.9 It is pertinent to note that the CCB had not conducted any enquiry to consider material developments in the dispute between the parties subsequent to the complaint. The Orders passed by this Court in W. P. No. 2680 of 2013, W. A. No. 1625 & 1626 of 2016 & 915 of 2017 and the subsequent orders passed by the Tahsildar which have a significant bearing on the dispute between the parties have been conveniently ignored by the police. Interference by the police in civil disputes will not only demean the stature of the police but also lead to rampant corruption and favouritism.

3.10 The petitioner filed a Civil Suit in C.S. No.270 of 2022 before this Court praying for permanent injunction restraining the second respondent from interfering with the petitioner's peaceful possession and enjoyment of the property, wherein this Court pleased to grant interim



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injunction in O.A.No.806 of 2022 by its order dated 22.12.2022 and the order has been extended from time to time and is still in force.

3.11 The order of the Hon'ble single judge passed in W.P.No.2680 of 2013 which was upheld by the Hon'ble Division Bench makes abundantly crystal clear that documents held in possession of the second respondent is not clear. When two Courts had held that the documents of the second respondent/defacto complainant are not clear, armed with the said document, the present criminal complaint has been lodged. Now the first respondent/police pressurize this petitioner to part with property or otherwise will face drastic consequences. Hence, the present petition is preferred invoking the inherent jurisdiction of this Court under section 482 of Cr.P.C. to quash the impugned FIR.

3.12 The very reading of the complaint by itself would go to show that all the allegations are made with respect to title of the property. The Hon'ble Supreme Court in *Mohamed Ibrahim Vs State of Bihar 2009 SCC Online SC 1594* had noted "the growing tendency of complainants to give the cloak of a criminal offence to matters which are essentially and purely civil in nature, obviously either to apply pressure on the accused, or out of enmity, or to subject the accused to harassment.



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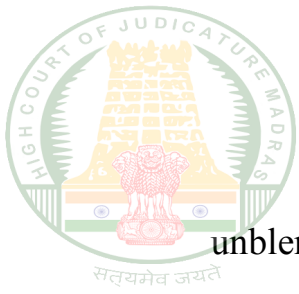
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Criminal Courts should ensure that proceedings before it are not used for settling scores or to pressurize parties to settle civil disputes.". The Hon'ble Supreme Court in ***Mitesh Kumar Jha Vs State of Karnataka (2021 SCC OnLine SC 976)*** had held that "this Court has at innumerable instances expressed its disapproval for imparting criminal colour to a civil dispute, made merely to take advantage of a relatively quick relief granted in a criminal case in contrast to a civil dispute. Such an exercise is nothing but an abuse of the process of law which must be discouraged in its entirety."

3.13 This Court in ***South India Music Companies Association vs Gemini Audio & Gemini Entertainment Mobile India Services (2022 SCC OnLine Mad 2644)*** had ruled that: "It is apparent that to settle a civil dispute namely a commercial dispute and reclaim his money, respondent converted the dispute as a criminal case by giving a complaint. It is clearly an abuse of process of law and it has to be deprecated and discouraged. The fact that without resorting to arbitration or civil remedy, filing of the criminal complaint against the petitioners is nothing but an abuse process of law.

3.14 The petitioner is doing business from 1960 and had followed the rule of law at all times and as such they are doing

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unblemished business and earned reputation in the Society. The sale consideration was well mentioned in the sale deed. The second respondent miserably failed to take the issue before a civil Court even after specific observations being made to that effect by this court simply because they have no documents to substantiate their claims over the property. In any event, the FIR lodged by the respondent police is illegal in view of the orders passed by various authorities viz., District, Registrar, Assistant Inspector General-Registration, Tahsildar and DRO etc.

4. The learned counsel for the petitioner in CrI.O.P.No.11115 of 2023 submitted that the petition is working as Accounts Manager with Eastco Exim Pvt. Ltd. which is A2's sister concern since 2014. The petitioner is no way connected with the alleged offence. The alleged transactions of sale was happened during the year 2011, whereas this petitioner joined with the A2's sister concern only during the year 2014. However, based on the continuous pressure of the second respondent from various quarters, the police arrested the petitioner as well as the petitioners in CrI.O.P.Nos.11116 and 11153 of 2023 on 23.09.2022. The



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entire criminal complaint is mischievous and an abuse of process of law and has made with malicious intention of torturing the petitioner with a premeditated intention. Hence, the same is liable to be quashed.

5. The learned counsel for the petitioner in Crl.O.P.No.11116 of 2023 and the learned counsel for the petitioner in Crl.O.P.No.11153 of 2023 adopted the submissions of the learned counsel for the petitioner in Crl.OP. No.9170 of 2023.

6. The learned Government Advocate (Crl, Side) appearing for the first respondent would submit that based on the complaint lodged by the second respondent for fabrication of documents and life threat, the first respondent police registered the case in Crime No.525 of 2015 against the accused persons and only the investigation would reveal as to whether the dispute is civil in nature or the defacto complainant is trying to give criminal colour to the civil dispute. Therefore, he prays for the dismissal of the present petitions filed by the accused persons.

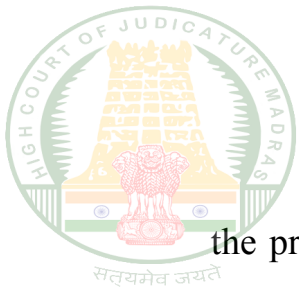


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7. The learned counsel for the respondents 3 and 4 submitted that

the third respondent is the husband and the fourth respondent is the son of the defacto complainant/second respondent (deceased). The accused are land grabbers mafia that works in the cloak of a construction company and has many contacts in various government departments and thereby, in collusion with some officials in the department, A2 had obtained patta in their name by showing a false and fabricated sale deed and also taken forceful possession of the subject property from its legal and rightful owners. Further, the tenants in the said property were also dispossessed by force by the accused. The fact is that Late Mrs. Ragini Rajkumar/the defacto-complainant and her sisters are the only owners of the said property, having valid perfect marketable title over the property to transfer the same to any third party. Neither Kuppusamy Naicker nor his legal heirs had any right in the property whatsoever and accordingly, the fabricated false sale deed relied upon by the petitioners/accused is null and void ab initi and not binding on Late. Mrs. Ragini Rajkumar and her sister Later Mrs.Usha Vishwanath or the respondents no. 3 & 4 herein.

7.1 Though the petitioners stated that their vendors had acquired



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the property through a Court auction, however, they had not carried out mutation in the revenue records. It is important to note that as is borne out from the Encumbrance Certificate in respect of the said property obtained from the year 1880, till date, the vendors mentioned in the false and fabricated sale deed in favour of the A2 in Document No. 10756 of 2011 were never included in it, however, the names of the defacto complainant and her sister Late Ms.Usha Vishwanath were included. Accordingly, the so called vendors did not have any title to the said property at any point of time. This clearly demonstrates that the sale deed relied on by the petitioners was a fabricated documents which was created in connivance with these so called vendors to give a somewhat legal colour to the otherwise criminally illegal act of land grabbing committed by the accused.

7.2 Further, the petitioners/accused had failed to produce the originals of the alleged Sale Certificate even before the Registering Authority. Subsequently, the petitioners/accused has brought in a copy of a fabricated Sale Certificate which is not a registered one. When the Registrar had sought evidence of ownership of the so called vendors in the said fabricated sale deed as the patta records inter-alia showed the ownership in the names of Late Mrs. Ragini Rajkumar and Mrs. Usha



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Vishwanath, the petitioners/accused failed to produce the same.

WEB COPY 7.3 To the best of the knowledge of the respondents No. 3 & 4, in one proceedings before this Court, the petitioners/accused while being pressed to produce the original documents, had admitted that they never had the originals. It may be stated that the veracity of existence of the said certificate of the District Munisif Court at Poonamallee in the year 1883, when the alleged auction is stated to have been ordered, is a matter of record and requires verification by the police authorities and further investigation. Therefore, he prayed for dismissal of the present petitions.

8. Heard both sides and perused the materials available on records.

9. Admittedly based on the complaint given by the second respondent/defacto complainant, the case in Crime No.525 of 2015 was registered by the first respondent for the offences under Sections 465, 467, 468, 471, 420 read with 120(B) IPC. A reading of the FIR shows prima facie allegations against the accused. Though only two persons have been named in the FIR, a reading of the contents in the FIR shows that there are prima facie allegations regarding fabrication of documents



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and grabbing of property and also life threat to sister of the defacto complainant. Only the investigation would reveal as to who is the original owner and whether the original owner conveyed the property to the petitioners or the documents have been fabricated by the accused.

10. At the time of considering the petition for quashing FIR, the Court has to see as to whether there is any prima facie allegations levelled against the accused. A reading of the FIR shows that there are certain allegations regarding fabrication of documents and grabbing of property and also life threat. Therefore, it is for the respondent police to conduct preliminary enquiry and proceed with the investigation if warrants.

11. It is not out of place to say if the first respondent police through investigation finds that there is no fabrication or finds that the dispute is civil in nature, the Investigating Officer can always drop the proceedings/close the complaint and file a negative report either as mistake of fact or civil in nature and thereafter, the aggrieved party can approach the Magistrate or civil Court as the case may be.



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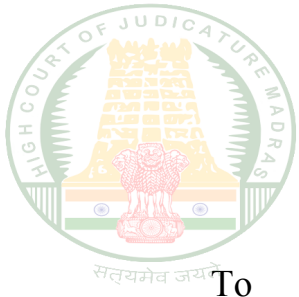
WEB COPY 12. Considering the facts and circumstances of the present case, this Court is of the view that it is not a fit case to quash the FIR by invoking Section 482 Cr.P.C./now Section 528 of B.N.S.S.

13. Accordingly, these Criminal Original Petitions are dismissed.

14. The first respondent police is directed to conduct preliminary enquiry/investigation and if warranted file the charge sheet in accordance with law.

24.09.2025

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
Central Crime Branch
ALGSC I, Team XVI A
Vepery, Chennai - 7
2. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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Pre-Delivery Order in
CrI.O.P.Nos.9170, 11153,11115 and 11116 of 2023

24.09.2025