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Crl.O.P.No.12460 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.12460 of 2025 &
Crl.M.P.Nos.8305 & 8306 of 2025

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1.Archana Reddy
2.Asvathanarayana Reddy
3.Srinivasa Reddy
4.Anandha Reddy
5.Prema

.. Petitioners

Vs.

1.State Rep. by
Inspector of Police,
Anti-Land Grabbing Special Cell,
Krishnagiri District.
(Crime No.13 of 2016)

2.Prabaker Reddy

.. Respondents

Criminal Original Petition filed under Section 528 of BNSS, to call for the records in C.C.No.11 of 2024 on the file of the District Munsif cum Judicial Magistrate, Hosur and quash the same.

For petitioners : Mr.V.Krishnamoorthy

For respondents : Dr.C.E.Pratap
Government Advocate (Criminal Side)
for R1
Mr.A.Balamurugan for R2



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ORDER

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The present Criminal Original Petition has been filed by the petitioners/accused seeking to quash the proceedings in C.C.No.11 of 2024, pending before the learned District Munsif-cum-Judicial Magistrate, Hosur. The case arises from Crime No.13 of 2016 registered by the Anti-Land Grabbing Special Cell, Krishnagiri District, for offences under Sections 420, 423, 465, 468, 471, 341, 294(b), 447, and 506(i) of the Indian Penal Code and Section 82 of the Registration Act, 1908.

2.The learned counsel for the petitioners submitted that the dispute is about the ownership and possession of 2.30 acres of land in Survey No.24, Kemmachandiram Village, Hosur Taluk, Krishnagiri District. The parties are closely related, and the issue has arisen due to family transactions and conflicting claims over the property. It was pointed out that the patta for the land stands in the name of the petitioners, and several civil suits are already pending between the parties regarding the same property, namely O.S.Nos.186 of 2013, 106 of 2016, and 406 of 2021, before the competent courts in Dharmapuri.

3. It was further submitted that the defacto complainant's attempt to change the patta in his favour was rejected by the Sub-Collector, Hosur, due to the ongoing civil litigation. According to the petitioners, having failed to get a favourable outcome



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in the civil courts, the defacto complainant has now initiated criminal proceedings on allegations of forgery and threats, in an attempt to give a criminal colour to a dispute that is purely civil in nature. The documents alleged to have been forged were created much prior to the date of the alleged incident and are already under consideration in the pending civil suits. It was contended that continuation of the criminal proceedings would amount to an abuse of the process of law.

4. On the other hand, the learned counsel for the defacto complainant argued that the petitioners had fabricated a settlement deed dated 01.04.2003, falsely claiming title to 1.70 acres of the property. It was alleged that this document was made to deprive the complainant and other rightful owners of their legitimate share. It was further alleged that the petitioners forcibly entered the property on 22.07.2016 and threatened the complainant, thereby attracting the offences set out in the final report.

5. This Court has heard both sides and perused the materials placed on record.

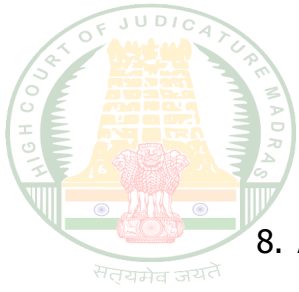
6. A reading of the FIR, charge sheet, and related documents shows that the dispute arises out of matters relating to title and possession of ancestral property, which is purely civil in nature. Several civil suits are already pending, where the



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issues of ownership, possession, and the validity of documents will be properly addressed. Seeking to project such a civil dispute by giving it a criminal colour, without any factual basis to support the alleged offences, amounts to misuse of the legal process.

7. In this case, whether the deed dated 01.04.2003 is genuine or not, and whether the petitioners have a valid claim over the property, are matters that need to be decided by the civil courts in the pending suits. The petitioners assert their rights based on continued possession and supporting documents in their favour. An allegation of fabrication, without clear evidence of dishonest or fraudulent intent, is not enough to bring the matter within the scope of criminal offences related to cheating or forgery. Further, the allegations of trespass and threat are vague and do not contain specific details. They appear to arise out of the ongoing property dispute between the parties. On the whole, the material on record does not show a clear reason to continue with the criminal case. Hence, this Court is of the considered view that the issues involved in C.C. No.11 of 2024 are purely civil in nature and can be appropriately adjudicated by the competent civil courts. However, this order will not prevent the defacto complainant from pursuing any legal remedy available in future, depending on the outcome of the civil proceedings.



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8. Accordingly, this Criminal Original Petition is allowed. The proceedings in C.C.No.11 of 2024 on the file of the learned District Munsif-cum-Judicial Magistrate, Hosur, are hereby quashed as against the petitioners. It is made clear that the defacto complainant is at liberty to initiate any private complaint, in accordance with law, if the civil court ultimately finds that the petitioners committed forgery or fraud. Consequently, connected miscellaneous petitions are closed.

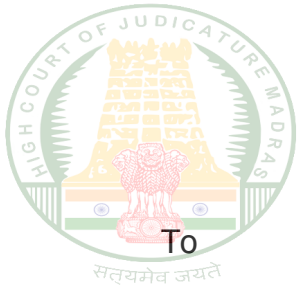
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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No



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1. The Inspector of Police,
Anti-Land Grabbing Special Cell,
Krishnagiri District.
(Crime No.13 of 2016)
2. The District Munsif cum Judicial Magistrate, Hosur
3. The Public Prosecutor, Madras High Court, Chennai.



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