



Crl.O.P.No.14177 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No. 14177 of 2025

and

Crl.M.P.Nos. 9612 and 9614 of 2025

1. Manivannan
2. Usharani
3. Gowri
4. Mani Kannan

... Petitioners

Vs.

State Rep.by

1. The Inspector of Police,
Anti Land Grabbing Special Cell,
Cuddalore.
2. J.Sulochana

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records and quash the proceedings in C.C.No.33 of 2024 on the file of the Judicial Magistrate Court No.II, Chidambaram for the alleged offences punishable under Sections 420, 465, 468 and 471 of the Indian Penal Code, 1860 in Crime No.09 of 2013 on the file of the 1st respondent Police.



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For Petitioners : Mr.R.John Sathyan
Senior Counsel for
Mr.P.Divakar

For Respondents : Dr.C.E.Pratap
Government Advocate (Crl.Side)
for R1

ORDER

This Criminal Original Petition is filed to quash the proceedings in C.C.No.33 of 2024 on the file of the Judicial Magistrate Court No.II, Chidambaram.

2. The case of the *de-facto* complainant is that her maternal grandfather one Madhava Padayachi bequeathed certain properties including a piece of Nanjai land in R.S.No.157/3D, situated at Keel Anuvampattu Village, Chidambaram Taluk, Cuddalore District ad-measuring about one acre, in her favour by way of a registered Will, dated 10.02.1988. Subsequently, he died on 03.05.1988 and the *de-facto* complainant became the absolute owner of various properties mentioned in Schedule C of the Will dated 10.02.1988. Further, the *de-facto* complainant had also sold some of the properties excluding the aforesaid property. While that being so, one Ganesan, who is the son of the *de-*



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facto complainant's brother, had stated that she sold the aforementioned property in his favour by way registered sale deed, dated 22.03.2012, for a valuable sale consideration of Rs.1,80,000/-. However, the complainant had neither visited the Sub Registrar's Office, Chidambaram, nor had she affixed her signature. It is further alleged by the complainant that the first petitioner herein colluded with the other petitioners and had illegally tried to usurp her property by creating fake and forged documents and impersonate her and executed the alleged sale deed. Hence, the complainant has filed a case before the first respondent-Police and later F.I.R was also registered in Crime No.09 of 2013 for the offences under Sections 420, 465, 468 and 471 IPC against the petitioners. After investigation, the learned Judicial Magistrate No.II, Chidambaram, took cognizance of the case in C.C.No.88 of 2019. Subsequently, the learned Magistrate transferred the case to the Special Court for the Exclusive trial of Land Grabbing Cases, Cuddalore, and the same was re-numbered as C.C.No.4 of 2022. Subsequently, the Special Court had remanded back the case to the jurisdictional Court and the same was re-numbered as C.C.No.33 of 2024 on the file of the Judicial Magistrate-II, Chidambaram.



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3. Learned Senior Counsel appearing for the petitioners submitted

that the *de-facto* complainant is none other than the aunt of the first petitioner. The first petitioner's great grandfather Madhava Padayachi died intestate, however, the *de-facto* complainant and two others viz., Veeraraghavan and Nadanasabapathy (deceased) have falsely claimed that their great grandfather executed a Will in their favour. Challenging the execution of Will in favour of the *de-facto* complainant, the petitioners filed a civil suit in O.S.No.237 of 2012 on the file of the District Munsif Court, Chidambarram. Pending the said civil suit, the *de-facto* complainant lodged a complaint against the petitioners and later FIR was also registered in Crime No.09 of 2013 and charge sheet was also filed. Learned Senior Counsel further submitted that the petitioners and the de-facto complainant have obtained decree in their favour and they have got title and there is no question of impersonation. Even though the *de-facto* complainant turned hostile during trial, but she herself denied the existence of criminal complaint against the petitioners and hence, the question of impersonation does not arise. *Prima facie*, there are no materials to proceed with the case against the petitioners and hence, there is no need to protract the case for facing ordeal trial



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without any materials. Hence, this Court is empowered to quash the petition.

4. Learned Government Advocate (Crl.Side) appearing for the first respondent submitted that *prima facie*, there are allegations against the petitioners regarding impersonation and only after thorough investigation, the respondent-Police filed the charge sheet.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the first respondent and perused the materials available on record.

6. Admittedly, the allegations made against the petitioners is impersonation. In the case on hand, it is seen that the calendar case is pending from the year 2019, due to the validity of law itself being questioned and therefore, the case was pending before the jurisdictional Court and later after settling the law, there was change of proceedings from regular Court to Court of Land Grabbing and once again to the Magistrate Court. Therefore, the delay is not only by the prosecution or the Magistrate, but also due to change of circumstances regarding settling the legal proposition.



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7. Considering the facts and circumstances, this Court cannot

quash the proceedings on the ground of long pendency, however, *prima facie*, there are allegations made out against the petitioners to proceed with the case further. Just because one of the witnesses turned hostile, the Court cannot quash the case on that ground alone. Therefore, this Court is not inclined to quash petition based on the grounds taken by the petitioners in this petition.

8. It is seen from the records that the cause of action arose in the year 2013 and the case is pending from the year 2019. The trial proceedings commenced and P.W.1 was examined and therefore, the learned Judicial Magistrate No.II, Chidambaram, is hereby directed to complete the trial in C.C.No.33 of 2024 and dispose of the case on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

9. With the above directions, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.



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10. The personal appearance of the petitioners is dispensed with.

However, the petitioners are directed to appear before the trial Court as and when their presence is required for.

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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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To

1. The Judicial Magistrate Court No.II,
Chidambaram.
2. The Inspector of Police,
Anti Land Grabbing Special Cell,
Cuddalore.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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