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CRL OP No. 20888 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

**CRL OP No. 20888 of 2023 &
Crl.M.P.Nos.14317 & 14318 of 2023**

1. Balakrishnan @ Parthi Baskar
S/o.Baskar, No.27, Artictvillage,
Injabakkam, Chennai.

Petitioner(s)

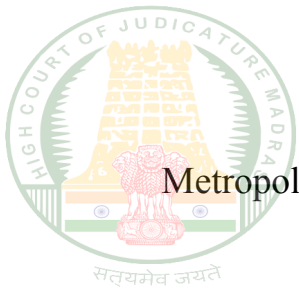
Vs

1. State Rep By
Inspector Of Police, Central Crime
Branch, Land Grabbing Special Wing 2,
Team Xxii, Vepery, Chennai. Cr.No.
2584/2012

2.B.Natarajan
S/o.Bagavathy Perumal, Senior
Manager Of M/s. Ozone Projects Pvt
Ltd, No.44, Pillaiyar Kovil Street,
Anna Nagar, Chennai.

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to call
for the records in CC.NO. 5092/2023 pending on the file of the learned



Metropolitan Magistrate, Special Court for CBCID and CBI Egmore, Chennai.

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For Petitioner(s): Mr. R.Vivekananthan

For Respondent(s): Mr.K.M.D.Muhilan
Additional Public Prosecutor – R1

ORDER

Challenging the Final Report filed against the petitioner in C.C.No.5092 of 2023 on the file of the learned Metropolitan Magistrate, Special Court for CBCID and CBI Cases, Egmore, Chennai, the present Criminal Original Petition has been filed.

2. The petitioner is arrayed as A2 in this case. The crux of the allegations against the petitioner in the final report is that, one Muthusamy, who was the owner of the property had executed Power of Attorney in the year 1995 in favour of one G.N.Pandian and he in turn executed a power of attorney in favour of one Uma Maheswari and she sold the property to the defacto complainant in the year 2006. Thereafter, the said Muthusamy along with the accused in this case had onceagain executed a Power of Attorney in favour of



one Jaganatha Pandian in the year 2011. Taking advantage of the said Power of

Attorney, A1 is creating problem to the defacto complainant and thereby, the

accused have been prosecuted for the offences under section 420, 406, 465, 467,

468, 471 and 506 [i] of IPC. The allegation against the the petitioner is that he

had also accompanied A1. No other allegation, whatsoever is made in the entire

prosecution materials against the petitioner/A2. Hence, the present petition has

been filed to quash the charges against the petitioner.

3. The very crux of the prosecution case indicate that original owner had executed a Power of Attorney in favour of A1 and A2 has no role in the execution of Power of Attorney and sale deed and there are no materials whatsoever collected by the prosecution in this regard. Further, to attract the offences under sections 420, 471 and 506[ii] of IPC, no materials, whatsoever has been collected by the prosecution.

4. In this regard it is relevant to refer to the judgment of the Hounourable Supreme Court in **Mohammed Ibrahim and other Vs. State of Bihar and**



another reported in [2009] 8 Supreme Court Cases 751 wherein it has been

held as follows :

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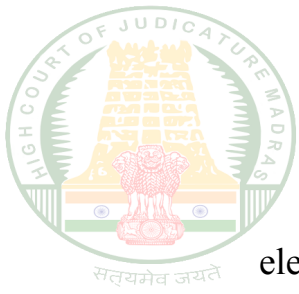
17. The allegations in the complaint do not also made out the ingredients of an offence under [section 504](#) of the Penal Code. [Section 504](#) refers to intentional insult with intent to provoke breach of peace. The allegation in the complainant is that when he enquired with accused 1 and 2 about the sale deeds, they asserted that they will obtain possession of land under the sale deeds and he can do whatever he wants. The statement attributed to appellants 1 and 2, it cannot be said to amount to an "insult with intent to provoke breach of peace". The statement attributed to accused, even if it was true, was merely a statement referring to the consequence of execution of the sale deeds by first appellant in favour of the second appellant.

Section 464 IPC deals with making of false and the same is extracted below :

"464. Making a false document.--A person is said to make a false document or false electronic record---

First.--Who dishonestly or fraudulently -

(a) makes, signs, seals or executes a document or part of a document;

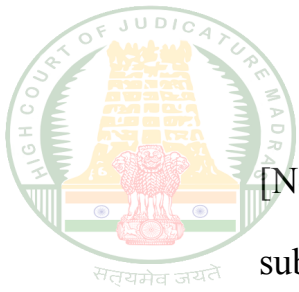


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(b) makes or transmits any electronic record or part of any electronic record;

(c) affixes any digital signature on any electronic record;

(d) makes any mark denoting the execution of a document or the authenticity of the digital signature, with the intention of causing it to be believed that such document or a part of document, electronic record or digital signature was made, signed, sealed, executed, transmitted or affixed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed, executed or affixed; or Secondly.--Who, without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document or an electronic record in any material part thereof, after it has been made, executed or affixed with digital signature either by himself or by any other person, whether such person be living or dead at the time of such alternation; or Thirdly.--Who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document or an electronic record or to affix his digital signature on any electronic record knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practiced upon him, he does not know the contents of the document or electronic record or the nature of the alteration.



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[Note: The words 'digital signature' wherever it occurs were substituted by the words 'electronic signature' by [Amendment Act 10 of 2009](#)]."

The condition precedent for an offence under [sections 467 and 471](#) is forgery. The condition precedent for forgery is making a false document (or false electronic record or part thereof). This case does not relate to any false electronic record. Therefore, the question is whether the first accused, in executing and registering the two sale deeds purporting to sell a property (even if it is assumed that it did not belong to him), can be said to have made and executed false documents, in collusion with the other accused.

10. An analysis of [section 464](#) of Penal Code shows that it divides false documents into three categories:

10.1) The first is where a person dishonestly or fraudulently makes or executes a document with the intention of causing it to be believed that such document was made or executed by some other person, or by the authority of some other person, by whom or by whose authority he knows it was not made or executed.

10.2) The second is where a person dishonestly or fraudulently, by cancellation or otherwise, alters a document in



any material part, without lawful authority, after it has been made or executed by either himself or any other person.

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10.3) The third is where a person dishonestly or fraudulently causes any person to sign, execute or alter a document knowing that such person could not by reason of (a) unsoundness of mind; or (b) intoxication; or (c) deception practiced upon him, know the contents of the document or the nature of the alteration.

11. In short, a person is said to have made a 'false document', if (i) he made or executed a document claiming to be someone else or authorised by someone else; or (ii) he altered or tampered a document; or (iii) he obtained a document by practising deception, or from a person not in control of his senses.

Considering the above judgment and the nature of allegations levelled against the petitioner in the present case, continuing the prosecution is nothing but clear abuse of process of law.

5. Accordingly, this Criminal Original Petition is allowed the charges as against the petitioner in C.C.No.5092 of 2023 before the learned Metropolitan



Magistrate, Special Court for CBCID and CBI, Egmore, Chennai, is quashed.

Consequently, connected miscellaneous petitions are closed.

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08-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Metropolitan Magistrate,
Special Court for CBCID and CBI,
Egmore, Chennai
2. The Inspector Of Police,
Central Crime Branch,
Land Grabbing Special Wing 2,
Team Xxii, Vepery, Chennai.
Cr.No. 2584/2012



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