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Crl.R.C No.1417 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 13.08.2025

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C No.1417 of 2025

and

Crl.M.P No.15476 of 2025

S.Rajendran

... Petitioner

..Vs.

1.The Inspector of Police
Central Crime Branch (CCB)
Coimbatore-641 018
(Cr.No.52 of 2017)

2.The Inspector of Police
Serious Crime Squad
Coimbatore-641 018
(C.C No.867 of 2021)

3.C.Mathiyarasan

4.Palraj

5.Arunraj

... Respondents

Prayer: This Criminal Revision Petition is filed under Section 438 read with 442 of BNSS Act /Section 397 r/w 401 of Cr.P.C., to set aside the order dated 23.06.2025 passed by the Judicial Magistrate No.VII,Coimbatore, against the discharge petition in Crl.M.P No.28668 of 2022 in C.C No.867 of 2021 by allowing the same.



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For Petitioner : Mr.S.Rajendran-Party-in-person

R1 & R2 : Mr.A.Gopinath
Government Advocate(Crl.Side)

ORDER

This revision has been filed as against the order dated 23.06.2025 passed in Crl.M.P No.28668 of 2022 in C.C No.867 of 2021, thereby dismissed the discharge petition.

2.The respondents 3 to 5 are the accused Nos.1, 3 and 4 and therefore, no need to issue any notice to them.

3. Mr. A.Gopinath, learned Government Advocate (Crl.Side) takes notice on behalf of the respondents 1 and 2.

4. There are totally four accused, in which the petitioner is arrayed as second accused in C.C No.867 of 2021 on the complaint lodged by the deceased's maternal aunt of the petitioner.

5. The case of the prosecution was that the petitioner's



maternal aunt had no issues. The petitioner is her own elder sister's son.

She owned the properties at Telungupalayam Village, Coimbatore, comprised in क.स. ँण्ण.408/1C, & क.स.६ण्ण.411/1A2 to a total extent of 1.76 acres, out of which she sold out the property except 40 cents. The petitioner, being her own sister's son, he used to visit her house and he was looking after her. While being so, she asked loan from the petitioner for her urgent needs and as such, 1-3/4 cents of land was sold in his favour, for a total sale consideration of Rs.19,05,600/- on 05.12.2014 registered as document No.5426 of 2014. Thereafter, when she verified the encumbrance found that the property comprised in ka.sa.no.411/1A2 to an extent of 36.75 cents was also sold out to one Mathiarasan for a total sale consideration of Rs.1,60,10,000/- registered as document No.5421 of 2014 dated 05.12.2024 by forging the thumb impression of the complainant. She never executed a sale deed in favour of the said Mathiarasan. On the date of sale deed dated 05.12.2014, she had executed a sale deed in favour of the petitioner only, that too, for the land admeasuring 1-3/4 cents. Hence the complaint.

6. On receipt of the said complaint, the first respondent



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registered a case in Crime No.52 of 2017 and after completion of investigation, filed a charge sheet for the offence punishable under Sections 420, 120-B r/w 109 of IPC as against the four accused persons. The person who purchased the property measuring 36.75 cents was arrayed as first accused. The petitioner was arrayed as second accused. The 3rd and 4th accused stood as witnesses to the said sale deed. While pending trial, the petitioner filed a petition to discharge and it was dismissed. Aggrieved by the same, the present revision is filed.

7. On perusal of the records revealed that the complainant died in the year 2020 itself. The 1st respondent police filed the final report in the year 2021, by recording the statement from the complainant in the year 2017 and 2019. The complainant had no issues except the petitioner. The alleged sale deed was executed on 05.12.2014. On the same day, 1-3/4 cents land was sold in favour of the petitioner by the complainant. On the same day morning, another sale deed was executed in favour of the first accused. Thereafter, in the year 2018, another extent of property was settled in favour of the petitioner by the complainant. There are several purchasers and they filed a suit in respect of registering the properties. In order to look after the cases, the complainant had



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executed a power of attorney in favour of the first accused, in respect of the very same properties, since the first accused is also one of the purchasers. That apart, on 18.04.2018, the complainant also executed a Will in favour of the petitioner in respect of some other properties. Therefore, the complainant had absolute knowledge about the sale deed executed in favour of the first accused. On the ill-advice of the relatives, the complainant lodged a false complaint, as if the petitioner brought her to the registration office and obtained her left thumb impression to execute the sale deed in favour of the first accused. However, she alleged that she did not receive any sale consideration. In fact, even after the complaint, the complainant did not take any steps to file any suit challenging the sale deed executed in favour of the first accused as null and void. On the other hand, she executed a power of attorney in favour of the first accused to look after the cases with respect to the same properties. While so, in respect of other properties, if at all, she denied the execution of the sale deed who made the allegation as against the petitioner, she would not have executed any Settlement Deed or Will in favour of the petitioner herein. A settlement deed dated 01.03.2018 was executed in favour of the petitioner vide document No.1271 of 2018. Therefore, even assuming that the petitioner without her knowledge had



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put his thumb impression and executed a sale deed in favour of the first accused, there is absolutely no ingredients to attract the offence under Section 420 of IPC. The petitioner has nothing to do with the alleged sale deed executed in favour of the first accused by the complainant.

8. In fact, the complainant lodged a complaint and the first respondent police refused to register any FIR. Therefore, the complainant filed a private complaint and after the direction issued by the learned Magistrate, the first respondent registered the FIR and filed a final report. That apart, the charge sheet was laid after the demise of the de-facto complainant. Therefore, the statements of the deceased is inadmissible. In the absence of the statement recorded under Section 164 of Cr.P.C., though there were several allegations, finally the first respondent police concluded the investigation and filed a final report only for the offences under Sections 420 and 120-B of IPC. In the absence of offence under Section 465 of IPC, the charge under Section 420 IPC cannot be sustained. However, without considering the above facts and circumstances, the trial Court had dismissed the petition to discharge the petitioner. In view of the above, this Court finds infirmity in the order passed by the trial Court.



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9. Accordingly, the order dated 23.06.2025 passed in Crrl.M.P No.28668 of 2022 in C.C No.867 of 2021 by the Judicial Magistrate No.VII, Coimbatore, is hereby set aside. The petitioner is discharged from all the charges in C.C No.867 of 2021 on the file of the Judicial Magistrate No.VII, Coimbatore,

10. In the result, this Criminal Revision Case stands allowed.
Consequently, connected miscellaneous petition is closed.

13.08.2025

Index: Yes/No
Internet: Yes/No
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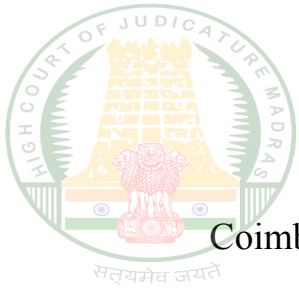
To

1. The Judicial Magistrate No.VII, Coimbatore,
2. The Inspector of Police
Central Crime Branch (CCB)
Coimbatore-641 018

G.K.ILANTHIRAIYAN,J
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3. The Inspector of Police
Serious Crime Squad

7/8



Coimbatore



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4. The Public Prosecutor
High Court of Madras.

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