



Crl.O.P.No.21780 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.21780 of 2025

and

Crl.M.P.No.14895 of 2025

Jagadeesan

... Petitioner

Vs.

1.The Inspector of Police,
CBCID,
Puducherry.

2.Sagoundala

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to quash the impugned Police Notice issued by the 1st respondent under Section 94 of BNSS dated 20.06.2025 directing the petitioner to appear for enquiry pertaining to Crime No.9 of 2008 under Sections 404, 418, 420, 423, 467, 468 IPC r/w. Section 34 IPC on the file of CBCID PS, Puducherry, issued under the colour of authority passed by the learned Chief Judicial Magistrate, Puducherry, in RCS No.113 of 2022 in Crime No.9 of 2008 dated 10.07.2023.



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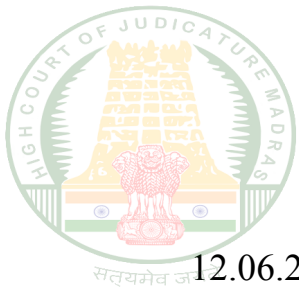
For Petitioner : Mr.R.Ganesan
For R1 : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)
For R2 : Mr.B.Kumarasamy

ORDER

Challenge has been made to the Police summons issued under
Section

94 of BNSS calling upon the petitioner to appear for enquiry.

2.Originally, the *de facto* complainant namely Sagoundhala has filed a complaint before the respondent Police alleging that her brothers Kabirdass and Thulasidass have created a fraudulent Will as if their father Venu Udayar has bequeathed the properties in favour of her brothers by a Will dated 17.12.1964, which was registered on 08.01.1986. On the strength of the Will, the property has been sold to the petitioner herein vide sale deed dated 22.06.2005. Based on the said complaint, a complaint was registered by the respondent Police in Crime No.9 of 2008 dated



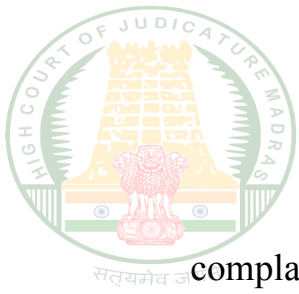
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12.06.2008 for the offences under Sections 404, 418, 420, 423, 467, 468

IPC r/w. Section 34 IPC. The petitioner, who is the subsequent purchaser of the property from the brother of the *de facto* complainant, has also been made as an accused in Crime No.9 of 2008. However, after investigation, a closure report has been filed by the Investigation Officer as “mistake of facts” on 30.12.2021. Aggrieved over that, the *de facto* complainant filed a protest petition in R.C.S.No.113 of 2022 and the learned Chief Judicial Magistrate has allowed the protest application by order dated 10.07.2023 and directed the Investigation Officer to complete the investigation and file an independent final report in Crime No.9 of 2008. Pursuant to the order of the learned Chief Judicial Magistrate, once again, the complaint has been reopened and summons have been issued to the petitioner, who is one of the accused in Crime No.9 of 2008, to appear for enquiry. Challenging the Police summons, the present petition has been filed.

3.Heard the learned counsel on either side and perused the materials available on record.

4.It is pertinent to note that the main allegation raised by the *de facto*



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complainant is against her brothers alleging forgery of the Will dated 17.12.1964. The said Will has been registered on 08.01.1986 after the death of the testator in the year 1971. The petitioner is only a purchaser of one of the properties from the legal heirs of Kabirdass, in the year 2005. Such being the case, this Court is of the view that, merely because the petitioner is the purchaser of the property, he cannot be made as an accused. At the most, he can be made only as a witness. The very allegation of the *de facto* complainant with regard to the forgery of the document is directed only against her brothers. Admittedly, the alleged Will has been registered in the year 1986 after the death of the testator in the year 1971. Based on the registered Will, the petitioner has purchased the property in the year 2005. Therefore, though the petitioner has been made as an accused earlier in Crime No.9 of 2008, this Court is of the view that, at the most, the petitioner could be made only as a witness to substantiate the sale and the encumbrance created over the property by the other accused. As far as the impugned summons is concerned, the petitioner is directed to appear before the Investigation Officer and produce all the documents available with him in respect of the property.



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5. With these observations, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

12.08.2025

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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

To

1. The Chief Judicial Magistrate,
Puducherry.

2. The Inspector of Police,
CBCID,
Puducherry.

3. The Public Prosecutor,
High Court, Madras.



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N. SATHISH KUMAR, J.

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