



Crl.O.P.No.22041 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2025

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.22041 of 2025

and

Crl.M.P.Nos.15100 & 15101 of 2025

1. Arularasi
2. Mahindran
3. Narayanamma
4. Manjula
5. Bakkiyam
6. Yellammal
7. Meenatchi
8. Yasoda
9. Sudha
10. Raja
11. Sekar
12. Sulochana
13. Anand

...Petitioners

Vs.

1. The State represented by
The Inspector of Police,
Police Station, Hosur,
Krishnagiri.
(Crime No.93 of 2023)

2. Balakrishnan

...Respondents

Petition filed under Section 482 of Cr.P.C. r/w. Section 528 of BNSS calling for the records in C.C.No.194 of 2024 pending on the file



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of the learned Judicial Magistrate-II, Hosur and quash the same as against this petitioners.

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For Petitioner : Mr.A.Arun Kumar

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

ORDER

The prayer in the Criminal Original petition is to call for the records in CC.No.194 of 2024 on the file of the learned Judicial Magistrate No.II, Hosur.

2. Mr.A.Arun Kumar, the learned counsel appearing on behalf of the petitioners by taking this Court through the final report and the annexures made thereunder would submit that in this case the allegation of the prosecution is that the petitioners have claimed title based on a forged death certificate / legal heirship certificate. The same is produced along with the typed set of papers in Page Nos. 23, 24 etc., and it can be seen that these are the authenticated document issued by the concerned authorities.



WEB COPY 3. Therefore, it can be seen that when two groups are claiming rival title and interest and when the Civil Suit between the parties is already pending in OS. No.178 of 2020 before the before the Principal Sub-Court Hosur, in order to shortcut the remedies and to frustrate the lawful claim made by the petitioners this criminal complaint is preferred. The prosecution without even considering that the entire case is civil in nature has filed the final report and therefore this Court has to interfere with the issue.

4. When the matter came up for hearing, the learned Government Advocate (Crl. Side) would submit that from the materials that are gathered during the investigation the property originally belonged to the first informant / defacto complainant, G.Balakrishnan. In order to take advantage on account of the similarity in the name, the accused Balakrishnan and his brother Kesavan have obtained birth certificate as well as the legal heirship certificate eventhough their father's name is only Chinna Venkatappa by wrongly mentioning as Chinnana Chetty so as to claim right, title and interest in respect of the property. If the petitioners willfully furnish wrong information to the appropriate



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authority and get a false document of death certificate as well as legal heirship certificate in order to grab the property of the complainant, then the matter cannot be said to be civil in nature.

5. It is another thing, whether there is an alias name and whether the title actually belongs to the petitioners which are all matters of fact which should be established by the petitioners in the course of the trial, but as far as the prayer to quash the case as civil in nature, I am of the view that the statement of the complainant, the final report and the statement of the other witnesses contains ingredients with reference to the criminal offences that are alleged in the case and therefore no case is made out for this Court to interfere at this stage. Keeping open the liberty of the petitioners to raise all the grounds in the Trial, the Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

6. At this juncture, the petitioners pray that their personal appearance may be dispensed with before the trial Court. Considering the overall facts and circumstances of the case except for the necessary hearings such as charge framing, questioning or such other hearing as



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may be insisted upon by the trial court, the presence of the petitioners

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RAP

NCC : Yes / No

To

1. The State represented by
The Inspector of Police,
Police Station, Hosur,
Krishnagiri.
2. The Judicial Magistrate-II, Hosur



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D.BHARATHA CHAKRAVARTHY.J.,

RAP

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