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Crl.RC.Nos.2334, 2415 of 2024 and 172 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.Nos.2334, 2415 of 2024 and 172 of 2025 and
Crl.M.P.Nos.18051, 18053, 18559 and 18561 of 2024 and
Crl.M.P.No.1335 of 2025

In Crl.RC.No.2334/2024

Samson Edward

... Petitioner

Vs.

State by Inspector of Police
Central Crime Branch (CCB)
Team-XVI, Vepery, Chennai – 007
(Crime No.230/2013)

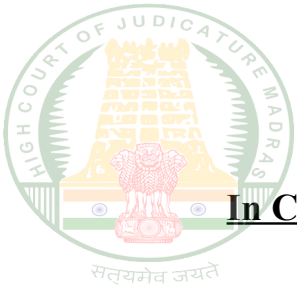
... Respondent

Prayer: Criminal Revision Case filed under Section 442 of BNSS, 2023 to call for the original records and set aside the order dated 25.11.2024 in Crl.M.P.No.29472 of 2023 in C.C. No.5073 of 2023 on the file of Metropolitan Magistrate Court for Exclusive Trial of CCB Cases (Relating to Cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai.

For Petitioner : Mr.K.Shanker

For Respondent : Mr.S. Sugendran

Additional Public prosecutor



Crl.RC.Nos.2334, 2415 of 2024 and 172 of 2025

In Crl.RC.No.2415/2024

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J.Daniel Sudakar

... Petitioner

Vs.

The State Represented by
The Inspector of Police
Central Crime Branch
Vepery,
Chennai – 600 007

... Respondent

Prayer: Criminal Revision Case filed under Section 442 of BNSS, 2023 to call for the records in Crl.M.P.No.29648 of 2023 in C.C. No.5073 of 2023 on the file of Metropolitan Magistrate Court for Exclusive Trial of CCB Cases (Relating to Cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai, and pass an order to set aside the same as illegal in the interest of justice.

For Petitioner : Mr.S.Muthuraman

For Respondent : Mr.S.Sugendran

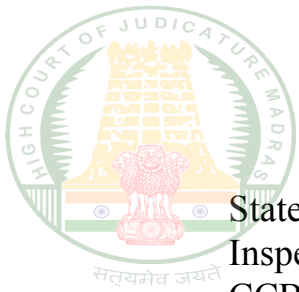
Additional Public Prosecutor

In Crl.RC.No.172/2025

1. Sandhiya
2. Vijayakuamr

... Petitioners

Vs.



Crl.RC.Nos.2334, 2415 of 2024 and 172 of 2023

State by
Inspector of Police
CCB, land Grabbing, Team-16
Vepery,
Chennai – 600 007
(Crime No.230/2013)

... Respondent

Prayer: Criminal Revision Case filed under Sections 438 and 442 of BNSS, 2023 to call for the records and set aside the order of the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases and CBCID Metro Cases, Egmore, Chennai, made in Crl.M.P.No.29470 of 2023 in C.C. No.5073 of 2023 by order dated 25.11.2024 dismissing the petition filed by the petitioner for discharge.

For Petitioners : Mr.T.R.Ravi

For Respondent : Mr.S.Sugendran

Additional Public Prosecutor

COMMON ORDER

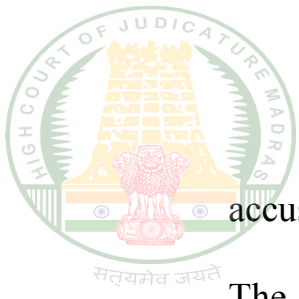
These Criminal Revision Petitions have been filed by the petitioners/A11, A7 and A9 & A10 challenging the orders passed in Crl.M.P.No.29472 of 2023, Crl.M.P.No.29648 of 2023 and Crl.M.P.No.29470 of 2023 dated 25.11.2024 in C.C.No.5073 of 2023 on the file of Metropolitan Magistrate Court for Exclusive Trial of CCB Cases



(Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore,
Chennai,

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2. The brief facts of the case is that based on the complaint given by the defacto complainant, initially, FIR was registered by P.6 Kodungaiyur Police station in FIR No.3312 of 2012 on 30.12.2012 against unknown persons for the offence under Section 448 IPC. Subsequently, it was transferred to CCB, Chennai/respondent police and renumbered as FIR No.230 of 2013 on 15.06.2013 against 8 persons and the offence was altered from Sections 448 IPC to Sections 341, 448, 467, 468, 471 and 506(ii) IPC. After completion of investigation, the respondent police laid charge sheet against 13 persons for the offence under Section 120(B), 420, 423, 465, 468, 471, 341, 448, 506(ii) IPC and the same was taken on file in C.C.No.5073 of 2023 on the of the Metropolitan Magistrate for Exclusive trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai, in which, the petitioners have been shown as A11, A7 and A9 & A10. Pending C.C., the 11th accused/petitioner in Crl.R.C.No.2334 of 2024, filed a discharge petition before the trial Court in M.P.No.29472 of 2023 and the 7th accused/petitioner in Crl.R.C.No.2415 of 2024, filed a discharge petition in Crl.M.P.No.29648 of 2023 and that the

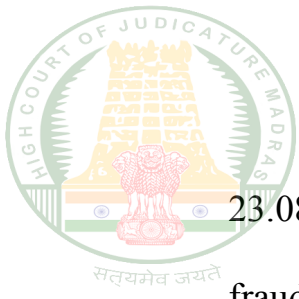


accused 9th and 10th filed a discharge petition in Crl.M.P.No.29470 of 2023.

The learned Magistrate, after enquiry, dismissed all the said petitions by order dated 25.11.2024. Aggrieved by the same, the present revision petitions have been filed by A11, A7 and A9 & A10 respectively.

3. Since all the revisions petitions are arising out of a same charge sheet, all the revisions are heard together and common order is passed.

4. The case of the prosecution is that the defacto complainant purchased a property at Madhavaram Village in Plot No.19 in Survey No.993/3 measuring 2600 Sq.ft. from one Kumar by way of sale deed No.1021/1976 dated 25.03.1976 and also purchased another property in Plot No.18 in the same survey number measuring an extent of 3970 Sq.ft. from one Varathan vide sale deed No.3909/1983 dated 22.08.1983, registered at SRO, Sembiam. During the year 1992, the deceased accused No.12, created a forged plot by way of taking some portions i.e. 432 Sq.ft. from Plot No.18 and 980 sq.ft. from Plot No.17, totally 1412 Sq.ft. and named as Plot No.17-A and sold it to the deceased accused No.13 by way of registered sale deed No.1912/1992 dated 31.3.1992, registered at SRO, Sembiam. Thereafter, the deceased accused No.13, sold the said Plot No.17A to A1 on 23.08.1993 by way of sale deed No.4046/1993 dated



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23.08.1993 and knowing fully well that the said plot was created fraudulently, A1 purchased the same. Thereafter, A1 executed a power of attorney in favour of his wife/A2 and based on the General Power of Attorney, A2 sold the said property in Plot No.17-A to A3 and A3 knowing fully well that the said property was created fraudulently, purchased the same on 17.12.1996 vide document No.7988/1996 and further, based on the forged documents, he obtained loan from his office namely Department of Chennai Metro Water and also obtained approval for building plan.

5. The further allegation is that, 1300 Sq.ft. of plot No.19 was occupied by A4 and A5 by way of annexing the same with their own Plot No.16 and constructed a compound and a temporary asbestos shed in which, A6 was running a waste paper shop for which, the accused A6 to A11 helping A4 and A5. Likewise, the property in Plot No.18 which belongs to the defacto complainant was encroached to the extent of 503 Sq.ft and constructed by A7 along with his property in Plot No.20. When the defacto complainant visited his property on 04.04.2009 and 22.06.2009, the accused A4 to A11 prevented and threatened to kill him. Hence, the case.

6. The learned counsel for the petitioner in Crl.R.C.No.2334 of 2024 submitted that the petitioner has been arrayed as A11 in this case. There are



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two separate encroachments are alleged in the charge sheet. As far as Plot No.17-A is concerned, it is alleged that forged documents were created for Plot No.17-A by encroaching one portion of land from Plot No.18. The fact is that the petitioner/A11 purchased the Plot Nos.16 and 17 totalling 5505 sq.ft. from A8 vide document No.2983 on 15.07.1991 for valid a consideration of Rs.1,96,700/-. Thereafter, vide document No.3547, the said properties in Plot Nos.16 and 17, totally 5505 Sq.ft. were sold by the petitioner/A11 to A9 on 23.06.1998. The defacto complainant purchased Plot No.19 and 18 on 25.03.1976 and 22.08.1983 respectively. After selling the property in Plot Nos.16 and A17 on 23.06.1998 to A9, there is no necessity for the petitioner/A11 to help the other accused namely A4 to A10 as alleged in the charge sheet. As far as the encroachment of Plot No.19 by A4 and A5 and threatening the defacto complainant are concerned, there is no material as against the petitioner. The learned counsel for the petitioner further submitted that the petitioner/A11 was very much available in his resident from 1985 and at no point of time, he was absconding. However, absconding charge sheet has been filed against him, which is against law and that there was no fair investigation. In the absence of any material, there is no need for the petitioner/A11 to face the ordeal of trial. Therefore, the



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petitioner approached the trial Court for discharge, but the learned Magistrate failed to consider the same and simply dismissed the petition directing him to face trial. Hence, the present revision is filed.

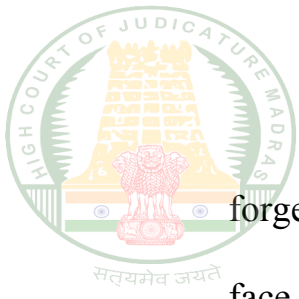
7. The learned counsel for the petitioner in Crl.RC.No.2415 of 2024 submitted that the petitioner has been arrayed as A7 in this case. The case of the petitioner is that petitioner/A7 and his wife purchased a vacant land bearing Plot No.20 in Survey No.991/183, 993/3 and 994/2 of Madhavaram Village, Madhavaram Town measuring an extent of 2315 Sq.ft. by virtue of Sale Deed as Document No.3428/2011 on 18.08.2011. Though the old house was approved by the local authority, with a view to build a new house, the petitioner obtained planning permit and building approval on 28.08.2012 to construct a house and on 15.10.2013, the petitioner and his wife obtained joint Patta in their names from Tahsildar, Madhavaram and that they are residing in the above address from 2013. While so, suddenly the petitioner was taken to custody by the respondent police on 03.01.2014 and remanded for 15 days without any specific complaint as against him. Even as per the prosecution case, the complainant originally lodged the complaint on 03.03.2011 as against some unknown persons for land grabbing occurred in the year 2008, 2009 and 2010 but not against the



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petitioner and the fact remains that the petitioner purchased the property only on 18.08.2011 which is after 3 years of the original complaint by the defacto complainant against some third parties and not even against the the vendor of the petitioner's property.

7.1 The learned counsel for the petitioner/A7 further submitted that a reading of the complaint would show that it is a case of wrong identity of property and the dispute is civil in nature. The respondent police have given a criminal colour to the civil dispute. Even the first Bench of the Hon'ble Supreme Court expressed concerns over wrong and rampant practice of converting civil dispute in to criminal case while hearing a quash petition in SLP (Crl.) No.008592/2024. The trial Court failed to consider that the allegation in the present case is in the nature of civil and dismissed the discharge petition filed by the petitioner. If the defacto complainant has got right over any extent of the property, he can always file a civil suit and get remedy. He further submitted that there is no connection or conspiracy between one accused to another. The petitioner/A7 is only a bonafide purchaser without any defect in notice for a valuable consideration and he is not an encroacher and that there is no material against the petitioner/A7 to frame charges against him. Therefore, there is no question of conspiracy,



forgery and cheating. In the absence of any material, the petitioner need not face the ordeal of trial. Therefore, the present revision may be allowed.

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8. The learned counsel for the petitioners/A9 and A10 in Crl.RC.No.172 of 2025 submitted that the petitioners have not committed any offence as alleged by the prosecution. The respondent police have not conducted a fair investigation and they have simply fixed the petitioners as accused and that there is no material to connect these petitioners in this case. The first part of allegation is connected with the creation of forged plot viz., Plot No.17-A. The second part of allegation is regarding encroachment of a portion of land from Plot Nos.19 and 18. The petitioners/A9 and A10 are not connected with the said allegations. The allegation against the petitioners is that they purchased Plot Nos.16 and 17 from A11 and there is absolutely no other allegation as against the petitioners in both part of transactions. Only based on the copy of the sale deed and documents collected from the registration office, they have been falsely implicated and that there is no proof to show that the petitioners committed the charged offences. Since there is no substantial material to prosecute the case as against these petitioners, the petitioners/A9 and A10 approached the trial Court for discharge but, the learned Magistrate failed to



consider the same and simply dismissed the petition. Therefore, the present revision is filed.

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9. The learned Additional Public prosecutor appearing for the respondent police submitted that the petitioners have been arrayed as A7, A11 and A9 & A10 in the present case. During investigation, the respondent police collected materials and obtained statements from the witnesses and found that the accused persons are involved in the charged offences. The accused persons entered into a conspiracy and created forged documents and forged Plot No.17-A by encroaching portions of land belongs to the defacto complainant and knowing fully well that there is no such plot existing and also about the defects in title, the plots were purchased by the accused persons and thereafter sold between themselves. He further submitted that there are prima facie materials as against all the petitioners to proceed the case further. The trial Court after going through the charge sheet filed by the respondent police and the materials collected during investigation, found that there are prima facie materials available as against these petitioners to proceed the case further and therefore, dismissed the petitions filed by the petitioners for discharge. Therefore, there is no merits in the present revision petitions and the same are liable to be dismissed.

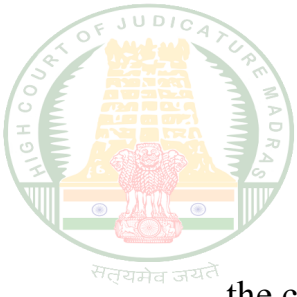


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10. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police and perused the materials available on record.

11. It is settled proposition of law that at the time of deciding the petition for discharge, the Court has to see only the materials produced by the prosecution and not the defence taken by the accused. The Court cannot conduct a roving enquiry at the time of framing of charges and the probative value of the materials cannot be gone into at that stage. The Court must believe that the materials produced by the prosecution is true at that stage. The validity and veracity of the materials can be decided only after trial and not at the stage of framing of charges.

12. In this case, a perusal of the charge sheet and the materials produced by the prosecution, especially the statements recorded from the prosecution witnesses and the documents collected during investigation, shows prima facie that there are materials to proceed with the case as against the petitioners. The grounds taken by the petitioners are nothing but defence which can be decided only after trial and not at this stage. At this stage, this Court does not find any merits in these revision petitions.



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13. Therefore, these revision petitions are dismissed. Consequently,
the connected Miscellaneous Petitions are closed.

14. However, the petitioners are at liberty to take all their defence at
the time trial before the trial Court.

21.04.2025

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation Case: Yes/No



Crl.RC.Nos.2334, 2415 of 2024 and 172 of 2025

To

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1. The Metropolitan Magistrate Court for Exclusive Trial
of CCB Cases (Relating to Cheating Cases in Chennai)
and CBCID Metro Cases,
Egmore, Chennai.
2. The Inspector of Police
Central Crime Branch (CCB)
Team-XVI, Vepery, Chennai - 07
3. The Inspector of Police
Central Crime Branch
Vepery, Chennai – 600 007
4. The Inspector of Police
CCB, land Grabbing, Team-16
Vepery, Chennai – 600 007
5. The Public Prosecutor
High Court of Madras



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Crl.RC.Nos.2334, 2415 of 2024 and 172 of 2025

P.VELMURUGAN,J.

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Crl.RC.Nos.2334, 2415 of 2024 and 172 of 2025

21.04.20252