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CRL RC No. 2263 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2263 of 2025

and

Crl.MP.Nos.20666 & 20667 of 2025

1. Sivasankari
W/o.Late. Chandrasekar,
No. 11/18, Raja Shanmugam Street,
Thiruvettriur, Chennai - 600 019.

Petitioner(s)

Vs

1. The State Rep. By
The Inspector of Police
Villianur Police Station, Puducherry.

2.Thenmozhi
W/o.Jayasankar, No.26, B,
Thiroubathaiyamman Koil Street,
Pillaichavady, Puducherry- 605 014.

Respondent(s)

PRAYER

Criminal Revision Case filed under Section 438 r/w 442 of BNSS, prays to set aside the order dt. 05.08.2025 passed in Crl.M.P.No.2201/2023 in C.C.No. 473/2019 on the file of the Learned Judicial Magistrate -VI, Puducherry thereby discharging the petitioner of all charges.

For Petitioner(s): Mr.C.Iyyappa Raj

For Respondent(s): Mr.K.S.Mohandass
Public Prosecutor, Puducherry,
For R1



ORDER

The petitioner has preferred this Revision, to set aside the order dt. 05.08.2025 passed in Crl.M.P.No.2201/2023 in C.C.No. 473/2019 on the file of the Judicial Magistrate -VI, Puducherry. She seeks to be discharged from the proceedings.

2. The learned counsel for the petitioner submitted that the petitioner is in no way connected with the alleged forged documents and was falsely implicated in this case, as if she, along with other accused, was involved in creating the forged documents. He further submitted that after the alleged sale agreement, the property was transferred to some other third party with the consent of the defacto complainant. Therefore, the matter is essentially a civil dispute, and a civil suit in O.S. No. 1239 of 2011 is already pending between the petitioner and the defacto complainant. Accordingly, the petitioner prayed to be discharged from the proceedings concerning the alleged charges.

3. The learned Public Prosecutor (Puducherry) raised strong objections to allow this revision.

4. On considering the police report as well as the records available, the trial Court concluded that there is prima facie ground to presume that the



accused has committed an offence under Sections 468, 471 and 420 IPC. The learned trial Judge further concluded that the provisions of Sections 468 and 471 IPC (for forgery) are not attracted in this case. Accordingly, the charges under these sections were deleted, and the trial Court proceeded only with regard to the offence under Section 420 IPC, holding that there is prima facie material indicating that the petitioner has committed cheating. Aggrieved by this order, she preferred the present petition.

5. On perusal of the records, it reveals that in the year 2011 itself, there was a sale agreement between the defacto complainant and the petitioner, dated 23.03.2011. As per the recitals of the notice, the property belonged to the petitioner, and under the terms of the agreement, she received Rs.30 lakhs as advance for the sale. As the terms were not complied with, the defacto complainant sought the return of Rs. 20 lakhs with interest at 24% per annum through an advocate's notice.

6. Prior to this, the petitioner had issued a notice on 08.06.2011, in which she admitted the terms of the sale agreement and contended that she had been wrongly accused by the defacto complainant. She admitted receiving Rs. 30 lakhs and offered to return Rs. 10 lakhs while agreeing to pay the remaining Rs. 20 lakhs. In response, the defacto complainant demanded Rs. 30 lakhs with 24% interest. Thus, the dispute between the parties arose in 2011.



7. According to the defacto complainant, she later discovered that one Shenbagavalli also had rights over the property, while so, the petitioner suppressed the existence of the earlier sale agreement. Furthermore, the defacto complainant had spent approximately Rs. 2 lakhs on leveling the property. Since there was a dispute regarding the right and title over the property, the defacto complainant was not inclined to proceed further and demanded to return the advance amount of Rs. 30 lakhs with interest.

8. All these years, the case has been pending before the court, and the claim has not been settled. The petitioner has raised another objection that a subsequent sale agreement was executed with the involvement of the defacto complainant. All these matters require trial before the court. As per the notices, transactions, and communications, the petitioner admits that she received Rs. 30 lakhs, but she is not inclined to settle the issues, and proceedings continue against her.

9. Given that Shenbagavalli also has a share in the property and that the earlier sale agreement was suppressed, the conduct of the petitioner requires a detailed trial regarding the offence under Section 420 IPC. Therefore, this Court is not inclined to interfere with the findings of the trial Court.



10. Accordingly, this Criminal Revision case is dismissed. Consequently,
the connected miscellaneous petitions are closed.

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

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2.Thenmozhi
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3.The Judicial Magistrate -VI,
Puducherry.

4.The Public Prosecutor,
High Court of Madras, Chennai.



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T.V.THAMILSELVI J.
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