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CRL RC No. 2325 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. 2325 of 2025

AND

CRL RC NO. 2329 OF 2025

1. K.Kishore Kumar
S/O P.Kumar and Smt.Bhavani,
No.3/192, Jeevanandamsalai, 13th
Sector, K.K.Nagar, Chennai.

Petitioner(s)

Vs

1. The State Rep By, The Inspector of
Police
Central Crime Branch, Gamma-1, Land
Fraud Investigation Wing-1, Team 17A,
Vepery, Chennai.

2.A.Logambal
D/O Annamalai, No.101, Pujannar
Street, Walajapettai, Walaja, Vellore.

Respondent(s)

CRL RC No. 2329 of 2025

1. K.Kishore Kumar
S/O P.Kumar and Smt.Bhavani,
No.3/192, Jeevanandamsalai, 13th
Sector, K.K.Nagar, Chennai.

Petitioner(s)

Vs

1. The State Rep By, The Inspector of
Police
Central Crime Branch, Gamma-1, Land
Fraud Investigation Wing-1, Team 17A,
Vepery, Chennai.



2.A.Thulasiraman
D/O Annamalai, No.101, Pujannar
Street, Walajapettai, Walaja, Vellore.

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Respondent(s)

CRL RC No. 2325 of 2025

PRAYER

To call for the records relating to Crl.MP.No.4677 of 2025 on the file of the Honourable Metropolitan Magistrate, for Exclusive Trial of CCB cases (Relating to Cheating Cases in Chennai), and CBCID Metro Cases, Egmore, Chennai to set aside the impugned order dated 13.08.2025 discharging the accused direct the trial court to frame appropriate charges and proceed with the trial in accordance with law.

CRL RC No. 2329 of 2025

PRAYER

To call for the records relating to Crl.MP.No.9487 of 2025 on the file of the Honourable Metropolitan Magistrate, for Exclusive Trial of CCB cases (Relating to Cheating Cases in Chennai), and CBCID Metro Cases, Egmore, Chennai to set aside the impugned order dated 13.08.2025 discharging the accused direct the trial court to frame appropriate charges and proceed with the trial in accordance with law.

CRL RC No. 2325 of 2025

For Petitioner(s): S.Nagarajan
Mr. Mohammed Riyaz for
S.Meenakshi Sundara Pandian
S.Kuberapandiyan
B.Thirumalai
V.Vasudevan

For Respondent(s): Dr.C.E. Pratap,
Government Advocate (Crl. Side) for R1

ORDER

This Criminal Revision Case has been filed to call for the records relating to Crl.MP.No.4677 & 9487 of 2025 on the file of the Metropolitan Magistrate, for Exclusive Trial of CCB cases (Relating to Cheating Cases in Chennai), and CBCID Metro Cases, Egmore, Chennai to set aside the impugned



order dated 13.08.2025.

2. The brief facts of the case:

The petitioner herein lodged a complaint before the respondent police stating that he is the son of late Bhavani. A property comprised in S.No. 241/1A to an extent of 13 cents and in S.No. 241/2A measuring to an extent of 13.05 cents were originally purchased by Vadivamabal who is the mother of Logambal, Bhavani, Thulasiram and the grandmother Vadivambal stood as the guardian for Logambal, Bhavani, Thulasiram and the said sale deed was registered as Doc. No. 1470 of 1982. While so, a fraudulent release deed dated 28.03.2008 was came to be registered as Doc. No. 2027 of 2008 at the instance of A1/Logambal and A2/Tulasiraman to and in favour of brother Arunagiri(who later died) and to in favour of A2 suppressing the right of Bhavani(mother of the defacto complainant). In order to do the fraudulent act, it was mentioned in the document that Bhavani died as spinster on 27.09.1992. In fact, Bhavani Died on 26.09.1994. Thereafter, by virtue of release deed, A2 had leased out the premises to ICICI Bank and mortgage the said property with ICICI bank and availed loan of Rs.1.45 crore in the year 2014, Rs. 1.45 crore in the year 2015 and another Rs.40 lakhs in the year 2015 and Rs.70 lakhs in the year 2016 by executing documents in the office of Sub Registrar, Virugambakkam. Thereafter, the petitioner lodged a complaint before the respondent police and FIR was registered in crime No. 59 of 2024 for the offence under Sections 120(b), 34, 420, 465, 467, 468 and 471 IPC. After investigation final report was



filed and taken cognizance as C.C No. 2700 of 2024 before the Metropolitan Magistrate, for Exclusive Trial of CCB cases (Relating to Cheating Cases in Chennai), and CBCID Metro Cases, Egmore, Chennai.

3. During the pendency of the case, the second respondent filed CrI.MP.No.4677 & 9487 of 2025 to discharge her from the case. On hearing both sides, the Trial Court held that there is no prima facie case against the accused/second respondent herein with regard to alleged fraudulent activities. If at all any property is executed by way of release deed the same can be challenged before the Civil forum. Accordingly, discharged the Logambal/A1 and Thulasiraman/A2. Aggrieved over the same, the petitioner filed this Criminal Revision Case.

4. The learned counsel for the petitioner submits that mother of the defacto complainant is legal heir of the Vadivambal, who married Kumar Pandurangan and begotten defacto complainant. While the mother of the defacto complainant/Bhavani was minor, on behalf of minor Bhavani and her brothers, her grandmother Vadivambal purchased property in S.No. 241/1A with an extent of 13 cents and S.No. 241/2A with an extent of 13.05 cents through sale deed dated 27.03.1982 vide document no. 1470 of 1982. While so, mother of the defacto complainant/petitioner herein/Bhavani died on 26.09.1994 but by suppressing the above date of death of Bhavani the accused obtained false death certificate as if she died on 27.09.1992 as unmarried. Thereafter, the brothers of Bhavani, A1 executed released deed in favour of A2. Based on that release



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deed, A2 had leased out the premises to ICICI Bank and mortgaged the said property with ICICI Bank and obtained loan. Having come to know all these things, the petitioner/son of Bhavani lodged a complaint before the respondent police and after investigation the respondent police filed a final report and same was taken cognizance by the Trial Court. While pending proceedings A3 and A4 settled the amount and in respect of A1 and A2 there is prima facie material against them to prosecute. Without considering the above, the Trial Court discharged them by holding that it is civil dispute. Further, when there is prima facie case against the accused the Trial court should not discharged the accused as such is illegal.

5. Considering the facts of the case and also on perusal of the records it reveal that the petitioner is the son of Bhavani, who is legal heir of the Vadivambal, and said Bhavani married Kumar Pandurangan and begotten defacto complainant. While the mother of the defacto complainant/Bhavani was minor, on behalf of minor Bhavani and her brothers, her grandmother Vadivambal purchased property in S.No. 241/1A with an extent of 13 cents and S.No. 241/2A with an extent of 13.05 cents through sale deed dated 27.03.1982 vide document no. 1470 of 1982. While so, A1 and A2/brothers of Bhavani conspired with other accused obtained false death certificate as if she died on 27.09.1992 by suppressing the real date of death of Bhavani ie., 26.09.1994 and thereafter executed settlement deed as if Bhavani died issueless. The above facts clearly shows the fraudulent act of A1 and A2 and prima facie case made



out against the petitioner. However, without considering the above fact, the Trial judge discharged the second respondent without applying judicious mind as such is erroneous and illegal. Therefore, the order passed in Crl.MP.Nos. 4677 & 9487 of 2025 is set aside. Accordingly, these Criminal Revision Cases are allowed. Pending petition, if any, is/are closed.

10-11-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

- 1.The Metropolitan Magistratge, for Exclusive Trial of CCB cases (Relating to Cheating Cases in Chennai), and CBCID Metro Cases, Egmore, Chennai
2. The Public Prosecutor, High court, Madras.



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T.V.THAMILSELVI J.
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