



CRL OP(MD). No.598 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 30/10/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.598 of 2025
and
Crl.M.P(MD) Nos.406 and 409 of 2025

1. Pappu

2. Sakthivel

3. Govindhan

... Petitioners

Vs

1.The State of Tamil Nadu,
Rep. by the Deputy Superintendent of Police,
Trichy District, Trichy.

2.The Inspector of Police,
Vaiyampatty Police Station,
Trichy.
(Crime No. 256 of 2023).

3.Arumugam

... Respondents

PRAYER :- Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the charge sheet in Spl.S.C. No. 54 of 2024 on the file of the I Additional District Court (PCR), Trichy and quash the same as illegal.



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For Petitioner : Mr.S.Vignesh Shunmugam
for M/s.Ajmal Associates,

For R1 and R2 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

ORDER

The petitioners seek to quash the impugned charge sheet in Spl.S.C. No. 54 of 2024, on the file of the I Additional District Court (PCR), Trichy, which was filed for the offences under Sections 406 of IPC and Sections 3(1)(f) and 3(1)(g) of SC/ST (Prevention of Atrocities) Act.

2.The allegation in the impugned final report is that on 09.02.2005 by a document bearing Registration No.275 of 2005 the defacto complainant purchased the land to an extent of 4.25 acres from the first petitioner's wife, namely, Saroja; that there is a second appeal in S.A.No. 708 of 2014 pending before this Court between her and her sisters; that Saroja represented that the defacto complainant transfers the said extent of 4.25 acres of land back to Saroja, she would obtain favorable orders in the second appeal; that believing the said representation, the defacto



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complainant executed a sale deed on 23.11.2020 in favour of Saroja by a document bearing Registration No.6558 of 2020; that Saroja had also executed a document by which she had acknowledged receipt of Rs. 3,36,165/-and also executed promissory note; that after Saroja died, the petitioners, who are husband and children of Saroja, refused to register the said land and thus committed the aforesaid offences.

3.The learned counsel for the petitioner would submit that the impugned prosecution is an abuse of process of law; that even if the allegations are accepted as true, it would not constitute any of the offences mentioned in the final report; that the sale deed was executed by the defacto complainant in favour of the said Saroja on 23.11.2020; that the FIR was lodged in the year 2023; that the transactions are only between the Saroja and the defacto complainant; and that neither the offence of criminal breach of trust nor the offences under the SC/ST Act are not made.

4.The learned Additional Public Prosecutor appearing for the respondent police, per contra would submit that the said Saroja had



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executed a document promising to pay a sum of Rs.3,36,165/-; that the petitioners are therefore liable to return the said sum to the defacto complainant; that the points raised by the petitioners cannot be adjudicated in a quash petition and that the offences under the SC/ST Act are attracted and sought for dismissal of the petition.

5.The third respondent/defacto complainant, though served, did not enter appearance. Therefore this Court appointed Mr.T.Thirumurugan, as legal aid counsel to assist this Court on behalf of the third respondent.

6.Mr.T.Thirumurugan, learned counsel for the third respondent would submit that the allegations in the impugned final report are probable, inasmuch as on the day the defacto complainant executed a sale deed in favour of the said Saroja, i.e., 23/11/2020, she had also executed a document acknowledging the loan received by her and promised the defacto complainant that after the dispute was resolved, the money would be settled to the defacto complainant and that therefore, the impugned prosecution cannot be quashed at this stage.



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7.As stated earlier, the allegation in the impugned final report is that Saroja had executed a sale deed in favour of the defacto complainant and the defacto complainant had executed a sale deed in respect to the same property, in favour of the, said Saroja. It is a case of the defacto complainant that the said Saroja represented that such a transaction was required to obtain favorable orders in the civil Court. However, there is no such understanding in writing, admittedly. The statement of the defacto complainant is in conflict with the document executed by him in favour of the said Saroja.

8.Be that as it may, even assuming that the said Saroja had executed a document acknowledging loan in the year 2020, the petitioners, who are the legal heirs, cannot be prosecuted for the offence of criminal breach of trust, though the petitioners may be liable if any proceedings are initiated before the Civil Court. That apart, the offences under Sections 3(1)(f) and 3(1)(g) of SC/ST (Prevention of Atrocities) Act, which make wrongful occupation or wrongful dispossession of any land belonging to a member of Schedule caste, are not applicable. The allegations do not suggest any wrongful occupation or dispossession.



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The transactions are covered by registered documents. The said Saroja is no more and therefore, the petitioners cannot be prosecuted, even otherwise, for any alleged acts committed by her. The impugned prosecution is therefore liable to be quashed.

9.For all the above reasons, this Criminal Original Petition is allowed and the impugned charge sheet in Spl.S.C. No. 54 of 2024, on the file of the I Additional District Judge (PCR), Trichy, is quashed. Consequently, connected miscellaneous petitions are closed.

10.The High Court Legal Services Authority shall pay a sum of Rs.15,000/- to Mr.T.Thirumurugan, who has been appointed as the legal aid counsel for the third respondent, as fees.

30.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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TO

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- 1.The I Additional District Court (PCR), Trichy.
- 2.The Deputy Superintendent of Police,
Trichy District, Trichy.
- 3.The Inspector of Police,
Vaiyampatty Police Station,
Trichy.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J

CP

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