



Crl.O.P.(MD)No.3007 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 24.09.2025

PRONOUNCED ON : 26.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.3007 of 2024

and

Crl.M.P.(MD).No.2384 of 2024

1.Douglas Machathu

2.Kethirabalan Pillai

... Petitioners/Accused Nos.7 & 8

Vs.

1.The Inspector of Police,
District Crime Branch II,
Thoothukudi District.
(Crime No.6/2024)

... 1st Respondent/Complainant

2.Esakki Muthukumar

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in the Crime No.6 of 2024 on the file of the Inspector of police, District Crime Branch, Tuticorin District and quash the same against these petitioners / Accused 7 and 8.

For Petitioners : Mr.K.A.Raamakrishnan

For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

For R-2 : No appearance



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ORDER

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This Criminal Original Petition is filed to quash the impugned FIR in Crime No.6 of 2024 registered for the offences under Section 120B, 465, 468, 471 and 420 of IPC.

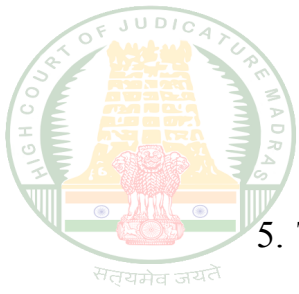
2. The allegation in the FIR is that the defacto complainant is the power agent of one Subashini, who is the adopted daughter of one Santhanaraj; that the said Santhanaraj had inherited a property from his father; that the said Subashini is shown as legal heir of the said Santhanaraj as her adoption was recognized by the judgment of the learned Principal District Munsif, Tuticorin in O.S.No.21 of 2006; that the legal heirs of one of the sisters, Vijayalakshmi, namely, A1 to A3 claimed right over the disputed property; that they executed a sale agreement on 12.07.2022 in favour of A4; that A5 and A6 had signed as witnesses in the said agreement; that a collusive suit was filed by A4 in O.S. No.139 of 2022 praying for specific performance of the sale agreement; that a decree was obtained; that thereafter, A4 filed E.P.No.16 of 2023 and through Court, a sale deed was registered in favour of A4; that the petitioners/A7 and A8 had supported the other accused and had threatened the tenants in the property to pay rent to A4; and that A7 and A8 had threatened to evict them and threatened them of dire consequences if they did not vacate the property.



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3. The learned counsel for the petitioners would submit that the allegations in the FIR would only disclose a civil dispute and a false claim of title by the other accused; that the allegations would not constitute the offences under Section 465, 468, 471 or 420 IPC; that the allegations would be squarely covered by the judgment of the Hon'ble Supreme Court in the case of ***Mohammed Ibrahim and others Vs. State of Bihar and another*** reported in ***(2009) 8 SCC 751***; that in any case, there is absolutely no allegation against the petitioners, who are arrayed as A7 and A8 in the FIR that they were benefitted by the alleged claim of title by A1 to A3 and A4; that the allegations against them would not attract any offence much less the offences mentioned in the FIR and sought for quashing of the impugned FIR.

4. The learned Additional Public Prosecutor appearing for the first respondent per contra submitted that there is allegation against the petitioners that they had assisted the other accused in the commission of the offences; that they threatened the tenants and forced them to pay rent to A4 and also threatened them of dire consequences if they did not vacate the property; that investigation has to be conducted to ascertain the role played by the petitioners; and that the investigation cannot be scuttled at this stage.

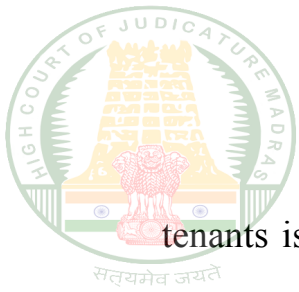


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5. Though notice sent to the second respondent has been served and his name is printed in the cause list, none has entered appearance.

6. The allegation primarily is that the disputed property belongs to the defacto complainant's principal, namely, Subashini; that A1 to A3 by falsely claiming to be the legal heirs of the deceased Santhanaraj, executed a sale agreement in favour of A4; that a collusive suit was filed by A4 for specific performance of the agreement; that a sale deed was also executed through Court in favour of A4. As stated earlier, there is no forgery committed by any one of the accused and at best, it would amount to claiming false title. It is not the case of the defacto complainant that A1 to A3 had forged any documents. However, this Court does not wish to dwell on the allegations against the said accused and leaves that question open as the petitioners before this Court are arrayed as A7 and A8.

7. As against the petitioners, it is seen that there is absolutely no allegation as to the role played by them in the preparation of documents said to have been created by A1 to A3 and A4. The only allegation is that they committed the offence of criminal intimidation against the tenants and had assisted the other accused. The impugned FIR is vague as to how the petitioners assisted the other accused. The allegation with regard to threat meted out to the



tenants is also vague and in any case, the FIR has not been registered for the said offence. Therefore, this Court is of the view that the allegation against the petitioners would be squarely covered by para 102(1) and (3) of the judgment of the Hon'ble Supreme Court in the case of ***State of Haryana and Others Vs. Bhajan Lal and Others*** reported in ***1992 Supp (1) SCC 335***, which reads as follows:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a



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cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

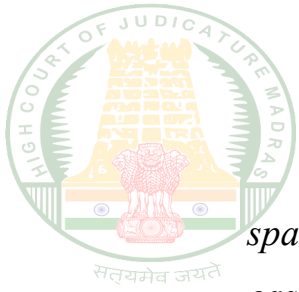
(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

103. We also give a note of caution to the effect that the power of quashing a criminal proceeding should be exercised very



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sparingly and with circumspection and that too in the rarest of rare cases; that the court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the court to act according to its whim or caprice.”

Hence, this Court is inclined to quash the impugned FIR insofar as the petitioners alone are concerned.

8. Accordingly, the impugned FIR in Crime No.6 of 2024 on the file of the first respondent is quashed only insofar as the petitioners herein are concerned and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

26.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

1.The Inspector of Police,
District Crime Branch II,
Thoothukudi District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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