



CRL O.P. (MD) Nos.
4324 of 2024 and 4821 of 2025

WEB COPY

IN THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 30.04.2025

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP. (MD) Nos.4324 of 2024 and 4821 of 2025
and CrI. M.P. (MD) Nos.3415, 3416 of 2024 and 3460, 3465 of 2025

R. Kannan S/o. M.S. Raju ... Petitioner /1st Accused
[CrI. O.P.(MD) No.4324/2024]

B. Venkateswaralu S/o. Balakrishnan ... Petitioner / Accused No.2
[CrI. O.P.(MD) No.4821/2025]

Vs

1. State rep. by:-

The Inspector of Police,
District Crime Branch,
Dindigul District.
[Cr. No.41 of 2021]

... 1st Respondent / Complainant
[Common in both CrI. O.Ps.]

2. Kalavathi W/o. Sridharan ... 2nd Respondent / Defacto
Complainant.
[Common in both CrI. O.Ps.]

COMMON PRAYER: -These Criminal Original Petitions are filed
under Section 528 of B.N.S.S., praying to quash the impugned Charge
Sheet filed by the 1st respondent in C.C. No.400 of 2023 on the file of
the Judicial Magistrate Court No.2, Dindigul in Cr. No.41 of 2021 on the



CRL O.P. (MD) Nos.
4324 of 2024 and 4821 of 2025

file of the 1st respondent registered for the offences under Sections 420,
468, 471 and 506(i) of IPC.

For Petitioners : Mr. D. Shanmugaraja Sethupathi
[Crl. O.P. No.4324 of 2024]

Mr. J. Lawrance
[Crl. O.P. No.4821 of 2025]

For Respondent : Mr. Vaikkam Karunanithi [for R1]
Government Advocate
[Criminal side]
[common in both Crl.O.Ps.]

Mr. R.M. Makesh Kumaravel
[for R2]
[common in both Crl.O.Ps.]

COMMON ORDER

These Criminal Original Petitions have been filed by the petitioners to quash the charge sheet filed in C.C. No.400 of 2023 on the file of the Judicial Magistrate Court No.II, Dindigul.

2. The *case of the prosecution* is that the 1st accused namely Kannan is the brother of the defacto complainant and the 2nd accused B. Venkateswaralu is the son of the defacto complainant's Sister and the 1st accused. The father of the defacto complainant namely M.S. Raju



CRL O.P. (MD) Nos.
4324 of 2024 and 4821 of 2025

WEB COPY died, while he was taking treatment in A.R. Hospital, K.K. Nagar, Madurai on 12.02.2012. The said factum of death was registered before the Madurai Corporation office. While so, without disclosing the fact that the deceased M.S. Raju died at Madurai A.R. Hospital, they obtained certificate from Dr. Ashokkumar, Dindigul as if the said M.S. Raju died in his house at Dindigul and registered the same before the Dindigul Corporation and obtained Legal Heir Certificate from the Tahsildar. Thereafter, based on the Death Certificate obtained from the Dindigul Corporation and the Certificate obtained from the Cremation Centre, in order to grab the properties of the said M.S. Raju, the accused caused criminal intimidation. The 2nd accused abetted the 1st accused by mentioning his name as 'informer' in the death intimation form for the death of M.S. Raju, thereby, they committed the offences under Sections 420, 468, 471 and 506(i) of IPC. The 1st accused was charged under Sections 420, 468, 471 and 506(i) of IPC and the 2nd accused was charged under Sections 420, 468 and 471 of IPC.



CRL O.P. (MD) Nos.
4324 of 2024 and 4821 of 2025

WEB COPY

3. Since both the Criminal Original petitions are arising out of the same charge sheet, this Court is inclined to pass a common order.

4. The learned counsel appearing for the petitioners would submit that the petitioner in CrI. O.P. No.4324 of 2024 is arrayed as 1st accused and the petitioner in CrI. O.P. No.4821 of 2025 is arrayed as 3rd accused and one Dr. Ashok Kumar was arrayed as 2nd accused in the FIR. In fact, the 2nd respondent herein / defacto complainant has sent a complaint dated 16.07.2021 to the 1st respondent by post and thereafter, filed a Writ petition in W.P. No.13321 of 2021 seeking direction to enquire into the complaint and thereafter, the 2nd respondent filed a complaint before the Judicial Magistrate Court No.II, Dindigul under Section 156(3) of Cr.P.C. and the learned Magistrate forwarded the said complaint to the 1st respondent herein and subsequently, the 1st respondent has registered a case in Cr. No.41 of 2021 for the offences under Sections 420, 468, 471 and 506(i) of IPC. The 2nd accused, who was a Doctor, has filed a petition before this Court in CrI. O.P.(MD) No. 2466 of 2022 seeking to quash the FIR against him and the same was



CRL O.P. (MD) Nos.
4324 of 2024 and 4821 of 2025

WEB COPY

allowed by this Court vide order dated 04.02.2022. Thereafter, the 1st respondent filed a charge sheet as against the petitioners in these petitions i.e., A1 and A2 without any prima facie evidence. There is a property dispute between the parties in respect of Survey No.367/5A to an extent of 1.2 acres. The father of the petitioner in Crl. O.P.(MD) No. 4324 of 2024 namely M.S. Raju (A1 as per charge sheet) was residing at Gopalpatti, Dindigul along with his wife and he was suffering from heart ailment from 11.02.2012. Dr. Ashokkumar, who is the family Doctor of the said M.S. Raju, had given treatment at his house and subsequently, the said Raju was taken to A.R. hospital, Madurai for further treatment on 12.02.2012, but on the same day, while he was under treatment, he died. Thereafter, the deceased was taken to the residence of the petitioner / 1st accused and was cremated in the electric cremation centre at Govindapuram, Dindigul. The death report was sent to the Village Administrative Officer by the Cremation Centre. It was sent only at the instance of Mr. Rajkumar, who is the son of the defacto complainant, the Village Administrative Officer has recorded the death of the said M.S. Raju and issued the Death Certificate and there is absolutely no false or



CRL O.P. (MD) Nos.
4324 of 2024 and 4821 of 2025

WEB COPY

misleading information given in respect of the death of the said M.S. Raju. The defacto complainant filed a Suit for Partition in O.S. No.377 of 2012 and the same is pending before the Principal Sub Court, Dindigul. While so, the defacto complainant has filed a complaint before the District Crime Branch after 10 years from the date of death of M.S. Raju with malafide intention. Thereafter, he filed a complaint before the Judicial Magistrate Court No.II, Dindigul under Section 156(3) of Cr.P.C. suppressing the pendency of Writ petition before this Court. Therefore, the Civil dispute has been converted into a criminal case with malafide intention.

4.1. The charge sheet has been filed for the offences under Sections 420, 468, 471 and 506(i) of IPC. The offences for forgery of document under Sections 468 and 471 of IPC are concerned, there are no ingredients attracted to constitute the offences and no any false document has been created and no any allegation in respect of forgery or any forged document within the meaning of Section 464 of IPC. As far as Section 420 of IPC is concerned, no ingredients to attract the provision under



CRL O.P. (MD) Nos.
4324 of 2024 and 4821 of 2025

WEB COPY

Section 415 of IPC. There are no averments in respect of making a false statement so as to deceive any person and fraudulently and dishonestly inducing a person to deliver any property or to do or omit to do something. As far as Section 506(i) of IPC is concerned, there are no ingredients to constitute the offence of criminal intimidation and there should be a threat with an intent to cause alarm to that person and the threat should be a real one and not just a mere word. Therefore, there are no any ingredients to constitute the above said offences, even as per the prosecution case. The Trial Court, without considering the fact that no prima facie materials available to constitute the offences, had taken cognizance. Therefore, the pending charge sheet is liable to be quashed against these petitioners.

5. The learned counsel appearing for the petitioners relied upon the following judgments in support of his arguments:-

1. Indian Oil Corporation v. NEPC India Ltd., reported in 2006(4) CTC 60.

2. Suresh Yadav v. Sharifa Bee reported in AIR 2008 SC Page 210.

3. P. Ashok Kumar v. Inspector of Police, J.J. Nagar Police Station,



CRL O.P. (MD) Nos.
4324 of 2024 and 4821 of 2025

WEB COPY

Chennai reported in 2009 (1) MLJ (Crl) 352.

4.Pepsi Food v. Special Judicial Magistrate reported in 1998 SCC (Cri) 1400.

6. The learned Government Advocate (Criminal side) appearing for the 1st respondent would submit that there is property dispute between the petitioner/ 1st accused Kannan and the defacto complainant. The defacto complainant lodged a complaint before the Judicial Magistrate Court No.II, Dindigul, the said complaint was forwarded to the 1st respondent Police and they registered a case in Cr. No.41 of 2021 and thereafter, they conducted an elaborate investigation and filed a final report. Based on the final report, the trial Court had taken cognizance in C.C. No.400 of 2023 for the offences under Sections 420, 468, 471 and 506(i) of IPC. As per the investigation, there are prima facie materials available as against these petitioners, thereby, they have to face the trial and at this stage, the prayer of the petitioners cannot be considered. Therefore, these Criminal Original Petitions are liable to be dismissed.

7. The learned counsel appearing for the 2nd respondent would submit that the petitioners suppressed the place of death of the



CRL O.P. (MD) Nos.
4324 of 2024 and 4821 of 2025

WEB COPY

father of the defacto complainant M.S. Raju, who died at A.R. Hospital, Madurai and by making false representation, they obtained Death Certificate and Legal Heir Certificate from the Revenue Authorities at Dindigul. The 1st accused caused criminal intimidation and the 2nd accused stated in the Death report that it was informed about the death of the above said M.S. Raju as if the said Raju died at his residence at Dindigul. Therefore, she lodged a complaint before the Judicial Magistrate Court No.II, Dindigul and the learned Magistrate after satisfying that there are prima facie materials available, forwarded the complaint to the 1st respondent and the 1st respondent also registered an FIR and conducted proper investigation and filed the final report. As per the final report, there are prima facie materials available as against these petitioners and they have to face the trial. Therefore, at this stage, the present petitions are liable to be dismissed.

8. Heard both sides and perused the materials available on record.



CRL O.P. (MD) Nos.
4324 of 2024 and 4821 of 2025

WEB COPY

9. As per the prosecution case, the father of the defacto complainant and the petitioner in Crl.O.P. No.4324 of 2024 namely Kannan, had died at A.R. Hospital, Madurai and he was cremated at Dindigul. But they obtained Death Certificate as if he died in the residence at Dindigul. Based on the said Certificate, the accused obtained a Legal Heir Certificate, thereby, the defacto complainant lodged a complaint before the Judicial Magistrate Court No.II, Dindigul and the same was forwarded to the 1st respondent police and they registered the case in Cr. No.41 of 2021 for the offences under Sections 420, 468, 471 and 506(i) of IPC and thereafter, they filed a final report.

10. In this case, there is no dispute that the deceased died at A.R. Hospital, Madurai and thereafter, he was cremated at Dindigul. Thereafter, the Death Certificate was issued as if he died in the residence at Dindigul, thereby, charged for the offences under Sections 420, 468, 471 and 506(i) of IPC. Merely because, the death certificate was issued at Dindigul by mentioning the place of death at Dindigul, it does not amount to offence of either cheating or creating forged documents or



CRL O.P. (MD) Nos.
4324 of 2024 and 4821 of 2025

WEB COPY
forgery. As far as the offence under Section 420 of IPC is concerned, there should be prima facie material to show that a person, whoever cheats, thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security. But in the case on hand, to attract the above said ingredients, there are no materials available against these petitioners.

11. As far as the offence under Sections 468 and 471 of IPC are concerned, 'forgery of document' is sine-qua-non for attracting the above said offences. The term 'forgery' used in these sections is defined in Section 463 of IPC. As per the above Section, making any 'false documents' with intent to cause damage or injury to any person, or to support any claim or title, or to cause any person to part with property, or to enter into express or implied contract would amount to forgery.



CRL O.P. (MD) Nos.
4324 of 2024 and 4821 of 2025

WEB COPY

12. Section 464 defining 'making a false document' is extracted
below:

"464. Making a false document: A person is said to make a false document or false electronic record –

First – who dishonestly or fraudulently,

(a) Makes, signs, seals or executes a document or part of a document;

(b) Makes or transmits any electronic record or part of any electronic records;

(c) Affixes any digital signature on any electronic record;

(d) Makes any mark denoting the execution of a document or the authenticity of the digital signature, with the intention of causing it to be believed that such document or a part of document, electronic record or digital signature was made, signed, sealed, executed, transmitted or affixed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed, executed or affixed; or

Secondly, who, without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document or an electronic record in any material part thereof, after it has been made, executed or affixed with digital signature either by himself or by any other person, whether such person be living or dead at the time of such alternation; or

Thirdly, who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document or an electronic record or to affix his digital signature on any electronic record knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practiced upon him, he does not know the contents of the document or electronic record or the nature of the alteration".



CRL O.P. (MD) Nos.
4324 of 2024 and 4821 of 2025

WEB COPY

13. A careful reading of Section 464 of IPC, it divides false documents into three categories and a person is said to have made a false document, if (i) he made or executed a document claiming to be some one else or authorized by some one else, (ii) he altered or tampered a document, (iii) he obtained a document by practicing deception or from a person not in control of his senses.

14. In the case on hand, both the certificates obtained from the Dindigul Corporation and they do not fall under the above said categories. Even if the document is obtained based on the false information, it does not amount to false document within the meaning of Section 464 of IPC. Therefore, the death certificate obtained from the Dindigul Corporation cannot be considered as a false document as per Section 464 of IPC. In this case, there is no allegation in respect of forgery or forged document within the meaning of 464 of IPC. Therefore, in the absence of such allegations, Sections 468 and 471 of IPC will not attract in this case.

15. As far as Section 506(i) of IPC is concerned, it is well settled



CRL O.P. (MD) Nos.
4324 of 2024 and 4821 of 2025

law that there should be a threat with an intent to cause alarm to that person and the threat should be a real one and not just mere a word. In the case on hand, as per the FIR and charge sheet, there are no materials to show that threat made by the petitioners caused alarm to the defacto complainant and therefore, there are no materials to attract the ingredients for the offences under Section 506(i) of IPC.

16. Moreover, a civil dispute is pending between the defacto complainant and the petitioner namely Kannan in O.S. No.377 of 2012 on the file of Principal Sub Court, Dindigul and the said M.S. Raju died in the year 2012, but the present complaint has been lodged in the year 2021, after a long delay. Therefore, the complaint has been lodged before the Judicial Magistrate Court No.II, Dindigul with malafide intention.

17. At this juncture, the learned counsel appearing for the petitioners have relied upon the following judgments of Hon'ble Supreme Court:



CRL O.P. (MD) Nos.
4324 of 2024 and 4821 of 2025

WEB COPY (i) ***Indian Oil Corporation v. NEPC India Ltd., reported in 2006(4) CTC 60.***

(ii) ***Suresh Yadav v. Sharifa Bee reported in AIR 2008 SC Page 210.***

On careful perusal of the above said judgments, it is clear that the criminal proceedings are not short cut of other remedies available in law. Any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure through criminal prosecution should be depreciated and discouraged. In the case on hand also, a civil dispute is pending between the parties from the year 2012 and the present complaint was lodged after 9 years i.e, in 2021.

17.1. Further, the learned counsel appearing for the petitioners also relied upon judgment in ***P. Ashok Kumar v. Inspector of Police, J.J. Nagar Police Station, Chennai reported in 2009 (1) MLJ (Crl) 352,*** wherein this Court depreciated the practice of the Magistrates in referring civil disputes for police investigation or taking cognizance by themselves by illegally imputed criminal flavour to civil disputes.



CRL O.P. (MD) Nos.
4324 of 2024 and 4821 of 2025

WEB COPY

17.2. Further, from the judgment of Hon'ble Supreme Court in ***Pepsi Food v. Special Judicial Magistrate reported in 1998 SCC (Cri) 1400***, relied upon by the learned counsel appearing for the petitioners, it is clear that it is not that the Magistrate is a silent spectator at the time of recording of preliminary evidence before summoning of the accused and the Magistrate has to carefully scrutinize the evidence brought on record and may even himself put questions to the complainant and his witnesses to elicit answers to find out the truthfulness of the allegations or otherwise and then examine if any offence is prima facie committed by all or any of the accused.

18. In the case on hand also, the Magistrate failed to consider that the civil dispute pending between the parties, the complaint was filed after a lapse of 9 years and the civil dispute was given a colour of criminal case and without considering the materials simply forwarded the complaint to the 1st respondent police. The 1st respondent police also without conducting proper investigation, filed the final report.



CRL O.P. (MD) Nos.
4324 of 2024 and 4821 of 2025

WEB COPY

Therefore, there are no prima facie materials to constitute the offences under Sections 420, 468, 471 and 506(i) of IPC as per the prosecution materials. Without any prima facie materials, these petitioners cannot face the ordeal of trial. Moreover, this Court already quashed the FIR as against the Doctor, who issued Death report to the deceased.

19. Therefore, in view of the above said discussions, this Court is of the opinion that there are no prima facie materials to constitute the offences under Sections 420, 468, 471 and 506(i) of IPC and therefore, the pending proceedings as against these petitioners / Accused Nos.1 and 2 in C.C. No.400 of 2023 are liable to be quashed.

20. Accordingly, these Criminal Original petitions are allowed and the pending proceedings in C.C. No.400 of 2023 as against these petitioners are quashed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

30.04.2025

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
aav

17/19



CRL O.P. (MD) Nos.
4324 of 2024 and 4821 of 2025

WEB COPY
To

- 1.The Judicial Magistrate Court No.2, Dindigul
2. The Public Prosecutor, Madurai Bench of Madras High Court, Chennai.
3. The Public Prosecutor, High Court, Madras.
- 4.The Inspector of Police, District Crime Branch, Dindigul District.



WEB COPY



CRL O.P. (MD) Nos.
4324 of 2024 and 4821 of 2025

P.DHANABAL,J

aav

CRL OP.(MD) Nos.4324 of 2024
and 4821 of 2025

30.04.2025