



*Crl.O.P.(MD)No.6246 of 2024*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 16.04.2025**

**CORAM**

**THE HON'BLE MR.JUSTICE P.DHANABAL**

Crl.O.P.(MD)No.6246 of 2024

and

Crl.M.P(MD) Nos.4703 and 4704 of 2024

M.S.Jhansi Rani

.... Petitioner

**Vs.**

1. The Inspector of Police  
Central Crime Branch  
Madurai City

2.Manikandan

.. Respondents

**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the case in C.C.No. 1752 of 2023 on the file of the learned Judicial Magistrate No.I, Madurai District and quash the same as illegal as against this petitioner concerned.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.M.Vaikkam Karunanithi  
No.1 Government Advocate(Crl.Side)

No.2 : Mr.P.Murugadasan



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## **ORDER**

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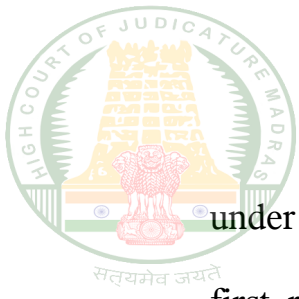
This Criminal Original Petition has been filed to quash the proceedings in C.C.No. 1752 of 2023 on the file of the learned Judicial Magistrate No.I, Madurai District.

2. The case of the prosecution that the defacto complainant entered into agreement for sale of property belonging to one Shama who is the first accused in this case and the sale price was fixed at Rs.36,00,000/-. In the said agreement the mother of the Shama namely Mahalakshmi who is the second accused in this case is also a party and she was paid a sum of Rs.4,00,000/- through Demand Draft. Thereafter Rs.36 lakhs was paid to the said Shama. Thereafter A1 and A2 executed power of attorney deed in favour of the defacto complainant who is the second respondent herein and the said property was encroached by Kasinathan. While so on 18.10.2025 the defacto complainant agreed to pay Rs.46,00,000/- to the encroacher and on the same day a sum of Rs.22,50,000/- was paid and balance of Rs.23,50,000/- has to be paid within one months. To that effect they also entered into agreement and they also assured to vacate the premises after receipt of amount on 27.01.2026. Since the son of Subbuthevar namely Raja demanded excess of Rs.4,00,000/- a compliant



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was lodged before the Teppakulam Police Station on 29.05.2016 and the same was closed after payment of Rs.4,00,000/- On 16.09.2016 the accused also executed power of attorney deed through document No. 6143/2016. Since there is a dispute in respect of property one Harimeenakshi is also claiming right over the property, the first accused agreed to sell the house property bearing Door No.87A T.S.No.2111/5L to an extent of 1.378sq.ft and executed power deed in favour of the second respondent through document No.7464/2019. The second respondent also paid Rs.1,30,00,000/- to the Shama. In the meantime at the request of Shama entered into agreement with one Janarthanan and Dhanasekar on 06.11.2019 in respect of one portion of the property. While so the first accused Shama cancelled the power deed in favour of the second respondent/defacto complainant Manikandan on 18.11.2019 and the second accused also cancelled the power deed executed in favour of the defacto complainant. Thereafter the first accused executed settlement deed in favour of the third accused who is the petitioner herein on 03.12.2019, therefore all the accused in order to cheat the money paid by the defacto complainant created documents and thereby the defacto complainant lodged complaint before the first respondent. Based on which the first respondent registered a case in Crime No.11 of 2020 for the offences



under Sections 120(B),406,465,468,420 and 471 of IPC. Thereafter the first respondent conducted investigation and filed final report and the same is now pending.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a false complaint against the petitioner and others alleging that the second respondent entered into agreement in respect of property belonging to A1 and A2 and they also received a sum of Rs.1,30,00,000/- and also executed power of attorney deed in favour of the defacto complainant and thereafter they cancelled the power deed executed in favour of the petitioner. Therefore all the accused entered into conspiracy and created forged documents and thereby lodged compliant and based on which the first respondent registered a case in Crime No.11 of 2020 for the offences under Sections 120(B), 406,465,468,420 and 471 of IPC. In fact no any offence is made out as against this petitioner and this petitioner is not signatory to any of the documents. The husband of the petitioner /first accused executed settlement deed in favour of the petitioner and thereby no any offence is made out as against this petitioner. All the allegations are levelled as against other accused. More over there is no agreement in respect of sale



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of property and thereby there is a civil dispute between the husband of the petitioner and the defacto complainant and the said civil dispute has been converted into criminal colour. Further the first respondent without even conducting proper investigation filed final report and the trial Court also without any prima facie materials has taken cognizance and the same is pending in C.C.No. 1752 of 2023 on the file of the learned Judicial Magistrate No.I, Madurai District, therefore the pending proceedings are liable to be quashed.

4. The learned counsel appearing for the second respondent/defacto complainant would submit that the second respondent entered into agreement with the husband and mother-in-law of the petitioner in respect of property and after receipt of Rs.1,30,00,000/- A1 and A2 executed power of attorney deed in favour of the second respondent and thereafter at the request of the second respondent the first accused entered into agreement in respect of one portion as far as remaining property they cancelled the power deed executed in favour of the second respondent. Thereafter the first accused executed settlement deed in favour of the petitioner in order to cheat the petitioner. Therefore he lodged complaint and the first respondent registered a case in Crime No.11 of 2020 for the



offences under Sections 120(B),406,465,468,420 and 471 of IPC.

Thereafter the first respondent completed the investigation and filed final report and as per the final report there are prima facie materials available and it is a matter for trial and thereby the petition is liable to be dismissed.

5. The learned Government Advocate(Crl.Side) appearing for the first respondent would submit that based on the complaint given by the second respondent the first respondent registered a case in Crime No.11 of 2020 for the offences under Sections 120(B),406,465,468,420 and 471 of IPC. Thereafter the first respondent completed the investigation and filed final report and as per the final report there are prima facie materials available to proceed the case as against the petitioner and hence the petition is liable to be dismissed.

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

7. Based on the complaint given by the second respondent the first respondent registered a case in Crime No.11 of 2020 for the offences under Sections 120(B),406,465,468,420 and 471 of IPC. As per the prosecution A1 and A2 entered into agreement with the defacto



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complainant and thereafter they paid a sum of Rs.1,30,00,000/- and A1 and A2 executed power deed in favour of the second respondent on 18.11.2019. Thereafter A1 and A2 cancelled power deed executed by them in favour of the second respondent and the first accused executed settlement deed in favour of the petitioner on 03.12.2019. This petitioner is not a signatory to the document and she is not a maker of the document . The first accused executed settlement deed in favour of the petitioner, since he is the owner of the property. More over there is no dispute that the first accused is the owner of the property and he executed power deed in favour of the second respondent and the same was cancelled and after cancellation of power deed he executed settlement deed. The above dispute is purely civil in nature.

8. As against this petitioner no offence is made out and the First Information Report has been registered for the offences under Sections 120(B),406,465,468,420 and 471 of IPC and the respondent police also conducted elaborate investigation and filed final report and the trial Court has also taken cognizance in C.C.No. 1752 of 2023 on the file of the learned Judicial Magistrate No.I, Madurai District. To attract the provision under Sections 120(B),406,465,468,420 and 471 of IPC no materials



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available and no offence is made out as against this petitioner. There are no any allegations as against this petitioner. Merely because settlement deed executed in favour of the petitioner it will attract the offences under Sections 120(B), 406, 465, 468, 420 and 471 of IPC. Therefore without any materials the trial Court has taken cognizance and thereby the accused need not face the ordeal of trial.

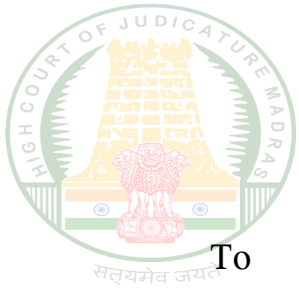
9. Considering the nature of allegations and the fact that the petitioner is only settlee of the property and also the fact that the dispute is civil in nature the pending proceedings is liable to be quashed.

10. Accordingly the Criminal Original Petition stands allowed and the proceedings in C.C.No. 1752 of 2023 on the file of the learned Judicial Magistrate No.I, Madurai District is hereby quashed as against the petitioner alone. Consequently connected miscellaneous petitions stand closed.

**16.04.2025**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
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To

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1. The Judicial Magistrate No.I, Madurai District
2. The Inspector of Police  
Central Crime Branch  
Madurai City
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**P.DHANABAL,J.**

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