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Crl.O.P(MD) No.11732 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P(MD) No.11732 of 2025

and Crl.M.P(MD) Nos.8901 and 8902 of 2025

S.Namatsivayam

... Petitioner/1st Accused

Vs.

1.The State of Tamil Nadu
represented by
The Inspector of Police,
District Crime Branch,
Thoothukudi, Thoothukudi District.
Crime No.13/2010

... 1st Respondent/Complainant

2.A.Shanmugam

...2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition is filed under 528 of BNSS, to call for the records pertaining to the Charge Sheet in C.C.No.1150 of 2023 on the file of the learned Judicial Magistrate No.IV, Tuticorin and quash the same in respect of the petitioner as illegal.

For Petitioner : Mr.R.L.Dhilipan Pandian

For R1 : Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl.Side)



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ORDER

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The petitioner is an accused in C.C.1150 of 2023 on the file of the learned Judicial Magistrate IV, Tuticorin. He has filed an application to quash the proceedings, which is pending against him in C.C.No.1150 of 2023. The case has been registered as against this petitioner and three others for the offences punishable under sections 420 and 120 B of IPC.

2. The case of the prosecution is that the following land situated at Vaipar Village, Vilathikulam Taluk, Tuticorin Distri was purchased by Mr. Arumugam Pillai who is the father of the Defacto Complainant Shanmugam through Regsitered Sale Deeds and Patta also stood in his name.

S.No	Survey No.	Extent/Acres	Document	Patta
1	1002/15	1.04	1402/71	658
2	1002/12	1.06	1393/71	657
3	949/1B	3.28	1394/71	765
4	1002/1	1.04	1395/71	625

2.1. Similarly, the following land situated at Vaipar Village, Vilathikulam Taluk, Tuticorin District was purchased by Mr. Gurusamy Pillai who is the father of one Muthammal wife of the Defacto Complainant



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Shanmugam through registered Sale Deeds and Patta also stood in his name.

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S.No	Survey No.	Extent/Acres	Document	Patta
1	950/2	524	962/72	357
2	1002/3	1	389/72	634
3	1002/4	1.01	291/72	622
4	1002/5	0.05	388/72	636
5	1000/1	1.38	393/72	634
6	1002/6	1.05	394/72	641
7	1001/4	1.13	390/72	629

2.2. In the year 1984 during UDR the names of Arumugam Pillai and Gurusamy Pillai was erroneously removed from the revenue records and the revenue records with regard to the above said property were mutated to the names of the Petitioner, Ramakrishnan and Mahadevan, the Accused Nos.1 to 3 herein who are the sons of Mr.Sethuramalingam Pillai. Further S.No. 1000/1, 1001/4, 1002/4 and 1002/5 were mutated in favour of the Petitioner. Land in Survey No.950/2, 1002/6, 1002/3 was mutated in favour of the 2nd Accused Ramakrishnan and the land in Survey No.949/1B, 1002/1, 1002/15 and 1002/12 was mutated in favour of the 3rd Accused Mahadevan.



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2.3. Further knowing that the above said property does not belong to

them and having no Sale Deeds, relying on the UDR Patta the 3rd and 4th Accused have conspired and the 3rd Accused Ramakrishnan had executed a Settlement Deed in Document No.1131 of 2009 in favour of the 4th Accused his wife Vijayalakhshmi and she, in turn has executed a Sale Deed in Document No.3806 of 2009 in favour of one Kodeeswaran. On coming to learn about this Muthammal Wife of the Defacto Complainant witness No.2 filed an Appeal before the Revenue Divisional Officer for change of Patta and after enquiry RTR/2010-967 dated 21.05.2010 the revenue records in the name of the 1st and 2nd Accused were changed to the name of the legal heirs of Gurusamy Pillai namely his wife Saraswathi, Muthammal Arumugam, Meenakshi, Rajarajan, Vijayalakhsmi, Gurusamy, Rohini in Patta No.1086 and further in the Appeal filed by the Defacto Complainant after enquiry in RTR/2010-968 dated 21.05.2010, the Revenue Record in the name of the 3rd accused was changed to the name of only legal heir of Arumugam Pillai namely the Defacto Complainant Shanmugam Pillai in Patta No.1085.



2.4. Further even after the said order, the Petitioner and the 3rd

Accused and Mahadevan have defrauded the 1st and the 2nd witnesses with ulterior intentions of illegal enrichment, the Petitioner has executed the Sale Deed in Document No.2484 of 2010 in favour of one Sankaran and the 3rd Accused Mahadevan have executed the Sale Deed in Document No.2485 of 2010 in favour of one Muthu. Thereby the Accused Nos.1, 2, 3 and 4 have committed offence punishable Under Sections 420 and 120 (B) of IPC.

3. The respondent Police has filed the Final report against the petitioner and the same has been taken on file by the learned Judicial Magistrate IV, Tuticorin in C.C.No.1150 of 2023, against which, the petitioner has moved this application to quash the proceedings.

4. The learned counsel for the petitioner submits that the petitioner has not committed any offences. The patta stands in his name and therefore, he has executed the documents. Even assuming that a document has been created without any title, it would not attract an offence under section 420 IPC.



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5. Further, the learned counsel for the petitioner has also relied on the judgment of the Hon'ble Supreme Court in **Md.Ibrahim and Ors Vs.State of Bihar and Ors in Crl.Appeal No.1695 of 2009**. Further, in a similar application filed before this Court in Crl.O.P(MD) No.1282 of 2023 to quash the proceedings in C.C.No.72 of 2022 by the co-accused, this Court has granted an interim order.

6. The learned Government Advocate (Crl.Side) would submit that the subject properties belong to the defacto complaint's father and defacto complainant's wife's father. However, during the UDR survey, the patta has been wrongly mentioned in the name of the petitioner. Taking advantage of the same, the first petitioner has created a document in favour of his wife/A4 in the year 2009. Thereafter, defacto complainant has lodged a complaint before the Revenue Divisional Officer, for which, enquiry was conducted and the patta stood in the name of the petitioner was cancelled. Challenging the same, the petitioner has also filed an appeal before the District Revenue Officer and the same was also dismissed by order dated 21.05.2010. Even thereafter, the petitioner has alienated a portion of the property to the accused one Sankaran 26.08.2010.



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7. Therefore, according to the learned Government Advocate (Crl.Side), the petitioner has created the patta based on the patta wrongly entered in the UDR, which was also subsequently cancelled by RDO. Even thereafter, he has created another document intentionally. Since it is an offence, it needs to be enquired by the trial Court.

8. The learned Government Advocate (Crl.Side) would submit that in the judgement referred by the petitioner, the petitioners had a title over the property. However, in this case, without any title, the petitioner has created a document.

9. This Court has considered the rival submissions made by either side.

10. The grounds raised by the petitioner can be appreciated only during the trial. This Court is not inclined to quash the proceedings in C.C.No.1150 of 2023 on the file of the learned Judicial Magistrate IV, Tuticorin. It is open to the respondent Police to take necessary steps to vacate the interim order granted in Crl.O.P(MD) No.1282 of 2023, dated 13.03.2023.



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11. Hence, this Criminal Original Petition is dismissed.

Consequently, connected Miscellaneous Petitions are closed.

29.07.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

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



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B.PUGALENDHI, J.

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