



Crl.R.C.(MD)No.999 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

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Durai Krishnaraj

... Petitioner/Petitioner

Vs.

1.The State of Tamil Nadu rep. by
The Inspector of Police,
District Crime Branch,
Pudukkottai District.

... Respondent/Respondent

2.K.M.Murugappan

... Respondent/Accused

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records pertaining to call for the record pertaining to the order dated 18.06.2024 passed by the Learned Judicial Magistrate No.II, Pudukkottai in Cr.MP.No.544 of 2024 and set aside the same.

For Petitioner : Mr.C.Mayilvahana Rajendran

For R1 : Mr.M.Sakthikumar
Government Advocate (Crl. Side)

For R2 : Mr.R.M.Arun Swaminathan



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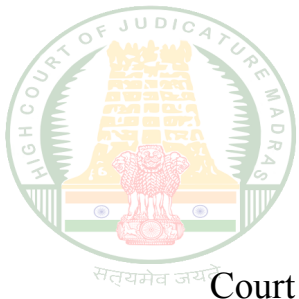
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ORDER

Challenging the order passed by the learned Judicial magistrate No.II, Pudukkottai in Crl.M.P.No.544 of 2024 dated 18.06.2024, this criminal revision case is filed.

2. The petitioner is the complainant before the learned Trial Court who had filed an application under Section 156 (3) of the Code of Criminal Procedure, 1973 requiring to direct the first respondent police to register a first information report as against the proposed accused who is the second respondent herein.

3. The claim of the petitioner is that he had purchased two properties from the legal heirs of one Somasundaram on 22.08.2019. However, he came to understand that the proposed accused had forged the signature of the original owner of the said property, namely Somasundaram and had created /concocted an agreement for sale with respect to the same properties as if the same was executed on 05.09.2005. Seeking criminal action for the alleged forgery, the petitioner had filed an application under Section 156(3) of the Cr.P.C. The learned Trial

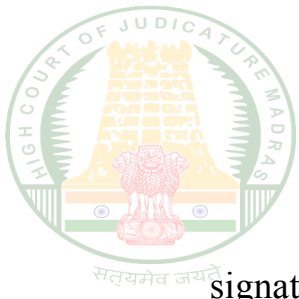


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Court after hearing the arguments and perusing the documents produced, came to a conclusion that a civil suit has already been filed in this regard on the file of the Additional District Court, Pudukkottai in O.S.No.75 of 2019 by the proposed accused as against the legal heirs of Somasundaram and Sub Registrar of Pudukkottai. Taking into consideration the fact that already a civil suit has been filed and the genuinity of the signature which is claimed to be forged by the complainant could be finally decided only after the disposal of the said civil suit and pointing out that the agreement for sale dated 05.09.2005 which is alleged to have been executed in Rs.10/- document, was also not produced, the learned Trial Court had dismissed the said petition. Challenging the same, this criminal revision case is filed.

4. The learned counsel for the petitioner submitted that now he has the possession of the xerox copy of the said agreement for sale and the matter may be remanded before the learned Trial Court facilitating him to produce the same and further, he also pointed out that pendency of civil suit will not absolve his right to take criminal action as against the proposed accused for his criminal activity, more particularly forging



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signature of a deceased person for execution of an agreement for sale and pressed for allowing the Criminal revision case.

5. Per contra, the learned counsel appearing for the second respondent submitted that he had entered into an agreement with Somasundaram as early as on 05.09.2005. After his demise, he had been negotiating with his legal heirs for execution of sale deed honoring the agreement for sale entered into between him and the deceased Somasundaram. However, the legal heirs were demanding an exorbitant sale consideration. Hence, left with no other option, he had filed a civil suit in O.S.No.75 of 2019 on the file of the Additional District Court, Pudukkottai on 21.08.2019. Immediately on the next day, that is on 22.08.2019, the legal heirs of the said Somasundaram had executed a sale deed in favour of the complainant herein. This itself would suffice to prove that the petitioner is innocent and only as an afterthought, the petitioner had filed this petition under section 156 (3) of Cr.P.C before the learned Trial Court.



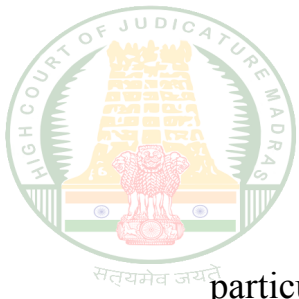
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6. The learned Government Advocate (Crl.Side) submitted that the petitioner had purchased the properties from the legal heirs of the Somasundaram in the year of 2019 by way of a registered sale deed and the alleged agreement for sale dated 05.09.2005 is an unregistered document. However, the proposed accused had already filed a civil suit on 21.08.2019, even impleading the Sub Registrar, Pudukottai. Hence, the presence of incriminating material which would warrant initiation of criminal action against the proposed accused could be inferred only after the outcome of the pending civil suit and hence, there is no infirmity in the impugned order and pressed for dismissal of the criminal case.

7. Heard the learned counsel on either side and perused the materials available on record.

8. As rightly pointed out by the learned Government Advocate (Crl.Side), I do not find any infirmity in the order passed by the learned Trial Court pointing out that the petitioner had failed to produce the so-called alleged document, in which signature of the deceased Somasundaram has been forged by the proposed accused. More



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particularly, as rightly observed by the learned Trial Court, the pendency of the civil suit in which the said document is the crux and backbone of the said suit, as rightly pointed out by the learned counsel for the second respondent, the petitioner herein had already impleaded him as a defendant in the civil suit. Hence, only after the conclusion of the said civil suit, a concrete and conclusive decision could be taken as to whether the particular document in question is forged one or a genuine one. In view of the same, I do not find any infirmity in the order passed by the learned Trial Court and hence, criminal revision case is dismissed. However, the petitioner is given liberty to proceed against the proposed accused/ second respondent, if the civil case goes against him.

9. In view of the above, this Criminal Revision Case is dismissed.

21.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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- 1.The Judicial Magistrate No.II,
Pudukkottai.
- 2.The Inspector of Police,
District Crime Branch,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI ,J.

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Order made in
Crl.R.C.(MD)No.999 of 2024

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