



Crl.O.P.(MD)No.15255 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.15255 of 2025

and

Crl.M.P.(MD).No.12389 of 2025

Muthukannan

... Petitioner/Accused No.1

Vs.

1.The State of Tamil Nadu rep. by,
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(Crime No.247 of 2024)

... 1st Respondent/Complainant

2.Mariya Varapasatham

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the case in Crime No.247 of 2024 pending on the file of the Inspector of Police, Sivakasi East Police Station, Virudhunagar District and quash the same as against the petitioner.

For Petitioner : Mr.R.Anand

For R-1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

For R-2 : Mr.M.Karunanithi



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ORDER

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This Criminal Original Petition is filed to quash the impugned FIR in Crime No.247 of 2024 on the file of the first respondent, which was registered for the offences under Section 420, 468 and 471 of IPC.

2. The gist of the allegations in the FIR is that the petitioner's father, who is arrayed as A2, had forged the signature of the defacto complainant, who is the landlord of the premises in a deed of pre-emption; that the petitioner's father is a tenant and filed a suit claiming the right of pre-emption; and that since the suit has been filed on the basis of a forged document, the petitioner's father is liable; and that the petitioner, who is the son, also colluded with the father and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that admittedly, an agreement was entered into by the petitioner's father and the defacto complainant; that even assuming that the petitioner's father had forged the signature of the second respondent and filed a suit by claiming false right, there is nothing in the impugned FIR to suggest that the petitioner had assisted his father or abetted his father in the alleged commission of offence; and that therefore, the impugned FIR is attended with malafides insofar as the petitioner



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is concerned and is liable to be quashed.

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4. Mr.M.Karunanithi, learned counsel for the second respondent however would submit that there are allegations to show that the petitioner had assisted his father in the offence of forgery and aided him in filing the suit claiming false right; that the said suit came to be dismissed for default as the petitioner's father could not establish his right; and that since the FIR is at the initial stage, the first respondent should be allowed to investigate and ascertain the role played by the petitioner. He would also point out to the report of the forensic expert to show that the signature of the defacto complainant has been forged.

5. Heard the learned Government Advocate (Crl. Side) appearing for the first respondent.

6. The allegation is primarily against the petitioner's father. The agreement has been signed by the petitioner's father. The allegation is that in the said agreement, the second respondent's signature has been forged and a suit has been filed by the petitioner's father on the basis of the forged document. It is also stated that the suit was dismissed for default. There is a report to suggest that the signature of the second respondent has been forged.



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7. However, there is no allegation as to how the petitioner had aided and assisted his father in the alleged forgery. Unless there are minimum averments disclosing cognizable offences as against the petitioner, the first respondent would have no jurisdiction to investigate. The FIR against the petitioner has been lodged only on surmises and conjectures. The registration of the FIR involves ignominy and therefore cannot be lodged only based on suspicion. Hence, this Court is of the view that the impugned FIR as against the petitioner is liable to be quashed and accordingly quashed. The first respondent shall proceed with the investigation in respect of the second accused and shall file the final report within a period of two (2) months from the date of receipt of a copy of this order.

8. With the above observations, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

06.11.2025

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



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To

- 1.The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Lm/dk

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