



Crl.O.P.(MD)No.16176 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.16176 of 2025

and

Crl.M.P(MD) Nos.13212 and 13213 of 2025

Murugesan

... Petitioner/2nd Accused

Vs.

1.The State of Tamilnadu,
represented by the Inspector of Police,
DCB II (ALGSC)
Thoothukudi District.
(Crime No.24 of 2025).

...1st Respondent/Complainant

2.Ilayaraja

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, to call for the records pertaining to the FIR in Crime No.24 of 2025 on the file of the 1st respondent Police and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.B.Saravanan, Senior Counsel
for Mr.Jeganathan.C

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

For R2 : Mr.G.Thalai Mutharasu



Crl.O.P.(MD)No.16176 of 2025

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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.24 of 2025 on the file of the 1st respondent Police, registered for the offences punishable under Sections 61(2) and 318(4) of BNS, 2023.

2. The petitioner is arrayed as second accused. The gist of the allegations in the FIR is that the petitioner had colluded with A3/the Village Administrative Officer and A4, who is Sub-Registrar, Ottapidaram and had executed a rectification deed, dated 13.01.2025 and thereby deprived the second respondent of his right in the property.

3. It is the case of the second respondent that the second respondent had purchased a land measuring 1.12 Acres in Survey No.713 out of total extent of 18.69 Acres by a document bearing No.3524 of 2024; that various persons approached him for purchasing the said land; that the neighbouring lands were also sold to various persons; that the petitioner had purchased an extent of 10.02 Acres from the undivided extent of 18.69 Acres in the very same Survey No.713 by Document No.3124 of 2024; that in order to grab the defacto



Crl.O.P.(MD)No.16176 of 2025

complainant's property, on 13.01.2025, a rectification deed was executed to make it appear that the extent of 10 acres 2 cents was divided and is in possession of the petitioner and four boundaries were mentioned in the rectification deed.

4. The learned Senior Counsel for the petitioner would submit that prior to the petitioner purchasing the land, certain sale deeds were executed in favour of third parties with boundaries based on their possessions; that since the petitioner was also in possession of a divided area, the Village Administrative Officer certified the land, in which, the petitioner is in possession and defined the four boundaries, based on which, a rectification deed was executed; that even assuming that the rectification deed was not permitted, unless there is a partition deed, it would not amount to commission of the offence of conspiracy or the offence of cheating; that no deception was practiced by the petitioner on the defacto complainant; and that the Honourable Supreme Court has held that even assuming that there is a false claim of title, the offence of cheating would not be made out.

5. The learned counsel for the second respondent, however, vehemently opposed the prayer for quashing by stating that even the earlier sale deed



Crl.O.P.(MD)No.16176 of 2025

clearly states that only an undivided extent was sold; that there was no reason for rectification without a partition deed; that by virtue of a certificate by Village Administrative Officer, the petitioner cannot claim exclusive possession of a particular extent; that therefore, the alleged offences are made out; and that in any case, the investigation cannot be scuttled at this stage.

6. The learned Government Advocate reiterated the averments in the FIR and would state that the impugned FIR is pending investigation; that only further investigation will reveal to whether any offences have been committed by the petitioner.

7. Admittedly, the petitioner had purchased an undivided extent of 10.02 Acres of land in Survey No.713 on 01.10.2024. The defacto complainant had purchased 1.12 Acres of undivided extent in the same survey number. It is also not in dispute that they are in occupation of a defined extent even though there is no partition. There are two other sale deeds, in the same S.No., by which third parties had purchased other properties, wherein, the extent and boundaries have been spelt out.

8. This Court is not called upon to examine whether the petitioner is



Crl.O.P.(MD)No.16176 of 2025

justified in executing the rectification deed or not. The question is, even assuming that a rectification deed was executed contrary to the earlier documents, whether the offences alleged are made out. In the case of ***Mohammed Ibrahim and others Vs. State of Bihar and another*** reported in ***(2009) 8 SCC 751***, the Honourable Supreme Court had held that any execution of document by falsely claiming title over the property would not amount to cheating or forgery. In this case, it is not even a false claim of title, it is only the claim of the petitioner that he and the other adjacent properties' owners are in possession of demarcated of land extent and based on VAO certificate, he had executed the rectification deed. If it is the case of defacto complainant that the rectification deed ought not to have been executed, it is needless to say that the remedy available to him is to approach the Civil Court to declare the said document as null and void. In any case, none of the offences alleged are made out and a civil dispute is sought to be given a criminal colour.

9. It is seen that a relative of the second respondent, namely, one Marimuthu had lodged a complaint stating that the petitioner had attacked him since there were disputes with regard to the boundaries of the land and the Inspector of Police, Ottapidaram found that the said allegations are false. The Inspector of Police also found that there was no offence committed by the



Crl.O.P.(MD)No.16176 of 2025

petitioner in executing a rectification deed. Therefore, the petitioner's submission that the impugned FIR suffers from malafides also cannot be ruled out.

10. For all the above reasons, this Court is inclined to quash the impugned FIR in Crime No.24 of 2025 on the file of the first respondent Police and accordingly quashes the same. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

27.11.2025

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

Indu/dk

To

1.The Inspector of Police,
DCB II (ALGSC)
Thoothukudi District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.16176 of 2025

SUNDER MOHAN, J.

Indu

Crl.O.P(MD).No.16176 of 2025

27.11.2025