



Crl.O.P.(MD) No.23431 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.12.2025

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD) No.23431 of 2025

and

Crl.M.P.(MD) No.20334 of 2025

1.Kalai Selvi

2.Palanichamy @ Palani

3.V.Chinnathambi

4.Selvaraj

... Petitioners

Vs.

1.The State of Tamil Nadu rep. by
The Inspector of Police,
Town South Police Station,
Dindigul District.
(Crime No.425 of 2025)

2.Raman

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records relating to the FIR in Crime No.425 of 2025 on the file of the first respondent police and quash the same as illegal insofar as the petitioners are concerned.

For Petitioners : Mr.P.Manikandan



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For R1

: Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

ORDER

Seeking quashment of the impugned FIR in Crime No.425 of 2025 on the file of the first respondent police, the present Criminal Original Petition has been filed. The petitioners are A3, A6, A7 & A8 in the said Crime No.425 of 2025.

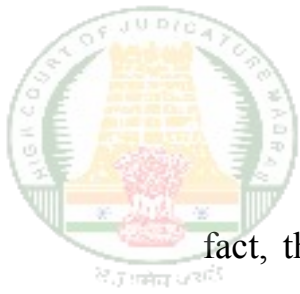
2. Mr.P.Manikandan, the learned counsel for the petitioners, submitted that the second respondent/defacto complainant had lodged a complaint against the husband of the first accused alleging receipt of a sum of Rs.2,50,000/- by way of a promissory note and Rs.1,00,000/- as advance amount under an unregistered sale agreement dated 19.07.2018; that the husband of the first accused had handed over the original title deed relating to his vacant land in T.S.No.820/8 measuring an extent of 934½ sq.ft.; that while so, the husband of the first accused passed away on 05.02.2019; that thereafter, the first accused, though a signatory to the sale agreement, had deliberately caused a paper publication stating that the original title deed of the said property was lost and had also obtained a



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non-availability certificate from the jurisdictional police; that on the strength of the same, she executed a power of attorney dated 16.04.2021 in favour of the second accused, who in turn executed a sale deed dated 26.04.2021 in favour of the first petitioner/A3, in which the second petitioner/A6 signed as a witness; that the third and fourth petitioners/A7 and A8 are the father and brother of the first petitioner/A3; and that the first petitioner is a *bona fide* purchaser, the second petitioner is a witness to the sale deed and the third and fourth petitioners are relatives of the first petitioner; that however, the first respondent police implicated them as accused, and hence sought the indulgence of this Court to quash the FIR insofar as the petitioners are concerned.

3. Mr.B.Thanga Aravindh, the learned Government Advocate (Criminal Side) appearing for the first respondent, submitted that there was a sale agreement between the deceased husband of the first accused and the second respondent/defacto complainant for the purpose of borrowing a sum of Rs.2,50,000/- and for receipt of an advance amount of Rs.1,00,000/- towards sale consideration, pursuant to which the original title deed was handed over to the second respondent/defacto complainant by the deceased husband of the first accused; that suppressing the said



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fact, the first accused, in collusion with the second accused, executed a power of attorney in favour of the second accused, who in turn sold the property to the first petitioner; that the execution of the sale agreement between the deceased and the second respondent/defacto complainant was well within the knowledge of the petitioners, particularly the purchaser, namely, the first petitioner/A3; that all the petitioners conspired together with the first and second accused for the purpose of purchasing the property and that they were hand in glove with each other and jointly cheated the second respondent/defacto complainant; and that apart from the same, the third and fourth petitioners/A7 and A8, at the instigation of the first petitioner/A3, had damaged the wire fence erected by the second respondent/defacto complainant and when questioned by him, abused him in filthy language and threatened him with dire consequences. He categorically contended that this Criminal Original Petition deserves to be dismissed.

4. The learned counsel for the petitioners, placing reliance on the order of the Hon'ble Supreme Court in ***Radheyshyam and others v. State of Rajasthan and another***¹ categorically contended that the passage of

¹ 2024 SCC OnLine SC 2311



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money pursuant to the loan agreement and the consequent property dispute are purely civil in nature; that the second respondent/defacto complainant has attempted to give a criminal colour to a civil dispute; and that as stated earlier, the petitioners are only *bona fide* purchaser, witnesses to the sale deed and relatives of the purchaser respectively.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the first respondent and carefully perused the material available on record.

6. The learned counsel for the petitioners drew the attention of this Court to the docket order passed by the learned Chief Judicial Magistrate, Dindigul, in Crl.M.P.No.12991 of 2021, filed by the second respondent/defacto complainant under Section 156(3) of the Code of Criminal Procedure, 1973 [hereinafter referred to as "*Cr.P.C.*"], seeking a direction.

7. In the said proceedings before the learned Chief Judicial Magistrate, on 24.11.2021, the complaint was taken on record and cognizance was taken by the learned Chief Judicial Magistrate as a private



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complaint under Section 200 of the Code of Criminal Procedure, 1973.

The learned Chief Judicial Magistrate thereafter directed the second respondent/defacto complainant to give a sworn statement.

8. Based on the sworn statement of the complainant and the statements of other witnesses, on 18.11.2022, the learned Chief Judicial Magistrate, after hearing both sides and perusing the records, forwarded the matter to the Inspector of Police, Town South Police Station, to conduct an enquiry and file a report under Section 202 of Cr.P.C. on or before 27.12.2022.

9. Pursuant to the same, the police conducted an enquiry and filed a report before the learned Chief Judicial Magistrate categorically stating that the second respondent/defacto complainant had lodged a false complaint against the petitioners and others and was attempting to give a criminal colour to a purely civil dispute. However, the learned Chief Judicial Magistrate, declining to accept the said report, directed the appearance of the Investigating Officer on 07.04.2025.



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10. Thereafter, on 16.06.2025, when the Investigating Officer appeared before the said Court, he was directed to further comply with the earlier order to register a case. Following the same, the impugned FIR came to be registered not only against the first and second accused but also against the petitioners, who are only *bona fide* purchaser, witnesses to the sale deed and relatives of the purchaser respectively.

11. In view of the above, I do not find that the ingredients of Section 420 of the Indian Penal Code are made out against the petitioners, as the offence of cheating requires deception from the very inception. Such deception is not established against the petitioners. Further, the offences under Sections 406 and 420 of the Indian Penal Code cannot ordinarily go hand in hand as per the ratio laid down by the Hon'ble Supreme Court in ***Delhi Race Club (1940) Ltd. and Others Vs. State of Uttar Pradesh and Another***². No other offences are made out against the petitioners. Therefore, the impugned FIR is liable to be quashed and is accordingly quashed insofar as the petitioners/A3, A6, A7, and A8 are concerned.

² (2024) 10 SCC 690



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12. Accordingly, this Criminal Original Petition is allowed.

Consequently, the connected Miscellaneous Petition is closed.

18.12.2025

JEN

Index : Yes

Neutral Citation : Yes

Speaking Order

Copy To:

- 1.The Inspector of Police,
Town South Police Station,
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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