



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 6903 of 2023

AND

CRL MP Nos. 4332 and 4334 OF 2023

1. Kandhasami
S/o.Late Ramasamy Opposite To Government
High School, Kalangaani, Namakkal
2. Santhosh Kumar
S/o.Sadasivam, Jail Road, Hasthampatty,salem
3. S.Devi @ Rajakumari
D/o.Sadasivam, Jail Road, Hasthampatty,salem.

..Petitioner(s)

Vs

1. State Rep.By
Inspector Of Police, Prevention Of Land
Grabbing Separate Cell Dcb,Nammakkal
2. Rajamani
W/o.Balsubramaniam, Kalangaani Village,
Namakkal

..Respondent(s)

Prayer: This petition is filed under Section 482 of Cr.P.C to call for the records and quash the charge sheet in CC.No.6/2022 pending on the file of the Honble Special Judicial Magistrate, Land Grabbing Court, Namakkal filed by the 1st respondent as no cognizance is made out and pass such further or other orders.

For Petitioner(s):

M/s. A.Vinupradha
S.Aravind Raj
L.Sweetty
M.Maya Devi



For Respondent - 1: Mr.A. Gopinath, Government Advocate

ORDER

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This Criminal Original Petition has been filed to quash the charge sheet in CC.No.6/2022 pending on the file of the Special Judicial Magistrate, Land Grabbing Court, Namakkal.

2.The facts of the case is that by virtue of the decree passed in O.S.No.398 of 2008 the second respondent has obtained the property in 62/4A to an extent of 4.70 cres in Minnampalli Village in Survey No.94/4 to an extent of 1.25 acres in Klangani Village in Survey No.94/6 to an extent of 3/3/4 cents in undivided share of 7.2 cents; in Survey No.94/1B to an extent of 63 cents situated in Kalangaani Village all together in total comprised of 6.66 acres which is in “A” Schedule” Property. Originally the property belongs to the first petitioner/Kandasami/father-in-law of the second respondent. The said Kandasamy has two sons and one daughter Balasubramaniam Periyasamy and Vasantha. The said Kandasamy settled the properties to his legal heirs. It is stated that after the demise of the husband of the second respondent/Balasubramaniam the property was transferred to the name of the second respondent based on the will dated 02.08.2002. While being so, the father-in-law of the second respondent prepared forged documents and



transferred the property to the children of his daughter. With regard to the said issue two suits were pending in O.S.No.398 of 200 and O.S.No.413 of 2022 and when both the suits are pending, the second respondent filed a complaint under Sections 120-B,467,468,471, 420 of I.P.C and Section 82 of Registration Act, 1908 and the same was registered in Crime No.32 of 2012 dated 04.09.2012 and the first respondent filed a charge sheet on the file of the Chief Judicial Magistrate, Namakkal and the same was transferred to Special Judicial Magistrate, Land Grabbing, Namakkal in C.C.No.6 of 2022. To quash the said C.C., the petitioners have filed the present petition.

3. The learned counsel for the petitioners submits that the husband of the second respondent who claims that the properties referred above were enjoyed by her and also sold some of the properties and entered into a sale agreement during 2008 to 2010 respective. The petitioner was not aware of the fraudulent of the husband of the second respondent. He further submits that the first petitioner had settled some of the properties to his grandchildren on 07.04.2011 which was challenged by the second respondent by way of filing a suit in O.S.No.433 of 2017. I.e after a lapse of six years.

4.The learned Government Advocate would submit that as the prima facie materials are available they have registered the F.I.R and the same is taken on file in C.C.No.6 of 2022 on the file of the Judicial Magistrate, Land Grabbing, Namakkal



5. In spite of notice served to the second respondent there is no representation on the side of the second respondent.

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6. On a perusal of records it is seen that the second respondent had executed a will on 02.08.2002. In the said will the second respondent had stated that after his demise, his wife and his children are the owners of the subject property. The first petitioner did not have any knowledge about the will executed by his son who is the second respondent, therefore he settled the properties in favour of his grand children namely the second and third petitioners and it was challenged by the second respondent by way of suit which was filed in the year 2017 that too after a period of 6 years from the date of execution of the settlement deed as the Crime is of the year is 2012. The first accused came to know about the fraudulent act of the second respondent and he filed the suit in O.S.No13 of 2008 challenging the Judgment and Decree obtained in O.S.No.398 of 2000 and the same is pending on the file of the Sub-Court, Namakkal. Further another suit was filed in O.S.No. 413 of 2022 on the file of the Additional District Judge, Namakkal in respect of the very same property which was settled in favour of the second and third accused. Now the first petitioner died the civil suits are pending, in respect of the very same property. Hence, no offence is made out against the petitioners. All the accused persons are blood relatives of the second respondent. In fact the property originally owned by the first accused and by the fraudulent act, the second



respondent obtained a partition decree as if the entire property was allotted in his favour. However, the Judgment and decree passed in O.S.No.13 of 2008 is challenged in O.S.No.398 of 2000. Another suit is also pending in O.S.No.413 of 2022 on the file of the Additional District Judge, Namakkal. In order to give Criminal colour to the civil dispute, the second respondent has lodged a criminal complaint that too after execution of settlement deed .

7. It is relevant to rely upon the judgment made by the Honourable Supreme Court of India in the case of *M/s. Indian Oil Corporation Vs. NEPC India Limited and others [(2006) 6 SCC 736]*, held that the civil liability cannot be converted into criminal liability and it is necessary to take notice of a growing tendency in business circle to convert purely civil dispute in criminal case. This is obviously on account of prevalent impression that civil law remedies are time consuming and do not adequately protect the interest of lender/creditors. Such a tendency is seen in several family disputes also, leading to irretrievable breakdown of marriages/families. There is also an impression that if a person could somehow be entangled in a criminal prosecution, there is a likelihood of imminent settlement. Any effort to settle civil disputes and claim which do not involve any criminal offence by applying pressure through criminal prosecution should be deprecated and dishonoured.



8. In the case of *G.Sagar Suri Vs. State of Uttar Pradesh [2000 (2) SCC*

636], the Honourable Supreme Court of India held as follows:-

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“It is to be seen if a matter, which is essentially of civil nature, has been given a cloak of criminal offence, criminal proceedings are not a short cut of other remedies available in law. Before issuing process a criminal Court has to exercise a great deal of caution. For the accused it is a serious matter. This Court has laid certain principles on the basis of which High Court is to exercise its jurisdiction under Section 482 of the Code. Jurisdiction under this Section has to be exercised to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”

9. In view of the above it is made clear that is no offence is made out against the petitioners under Sections 120-B, 467, 468, 471, 420 of I.P.C and Section 82 of Registration Act, 1908. When the civil dispute are pending there is no question of trespass into the property

10. Accordingly, the proceedings in CC.No.6/2022 pending on the file of the Special Judicial Magistrate, Land Grabbing Court, Namakkal, is quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition are closed.

16-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
smn



To.

1. The Inspector Of Police,
Prevention Of Land Grabbing Separate Cell Dcb,
Nammakkal

2. The Public Prosecutor,
High Court, Madras



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CRL OP No. 6903 of 2



G.K.ILANTHIRAIYAN, J.

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