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CRL.O.P.No.5830 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2026

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.5830 of 2026 and  
CrI.M.P.No.4336 of 2026

Kanchana

... Petitioner

vs.

1.State Represented by,  
The Inspector of Police,  
CBCID Police Station,  
Kancheepuram,  
Kancheepuram District.  
(Crime No.05/2011).

2.T.R.Sailendran,  
Revenue Divisional Officer,  
Sriperumbudur,  
Kancheepuram District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in Crime No.5 of 2021 on the file of the 1<sup>st</sup> respondent Police, quash the same.



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For Petitioner : Mr.Swamisubramanian  
For R1 : Mr.Leonard Arul Joseph Selvam,  
Additional Public Prosecutor assisted by  
Ms.Harshana.T  
For R2 : Mr.M.Murali, Government Advocate

### ORDER

The petitioner/A12 in Crime No.5 of 2021 dated 24.12.2021 on the file of the 1<sup>st</sup> respondent Police, has filed this Quash Petition.

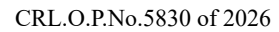
2.Gist of the case is that Mr.V.G.P.Rajadass of M/s.V.G.P.Investment and Housing Corporation Private Limited, Saidapet, Chennai gifted a land measuring 27.99 acres as OSR for public utility purpose such as roads and parks *vide* document No.1400 of 1991 dated 22.04.1991 registered in Sub Registrar Office, Sriperumbudur. The above case is of forgery and cheating. In order to usurp the Government lands/OSR land, A1 forged the signature of the Government servant, created false documents, projected it as genuine and cancelled the gift deed by colluding with the Registration Officials R.Ravi, Assistant (i/c), Sub Registrar Officer, Sriperumbudur, G.Suresh, Sub Registrar Officer,



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Kancheepuram and sold the land to National Highways Authority of India claiming compensation. The Special District Revenue Officer of National Highways Authority of India, Kancheepuram, who is responsible for disposing the funds, paid compensation to individuals who not having land and suffered loss in the acquisition resulting in a loss of public money to the tune of Rs.40,04,71,744/- in the villages of Nemili and Ayakolathur, Sriperumbudur Panchayat Union Kancheepuram. Hence, FIR registered by the 1<sup>st</sup> respondent Police in Crime No.5 of 2021 for offence under Sections 465, 468, 471 and 420 IPC.

3.During investigation, it revealed that A1 and A2 forged the signature of the Government servant, created false documents, projected it as genuine, cancelled the gift deed in document No.1400 of 1991 and registered document No.75 of 2018 dated 02.01.2018 with the Sub Registrar Office, Sriperumbudur via letter No.3 of 2018 dated 01.01.2018 of Block Development Officer, Sriperumbudur Panchayat Union. Subsequently, some more documents registered in Sub Registrar Office, Kancheepuram in document Nos.522 of 2019, 1833 of 2019, 3789 of 2018, 3790 of 2018 and 1557 of 2019 in collusion with the registration



4. Learned counsel for the petitioner submitted that the petitioner was accused in this case by way of alteration report for offence under Sections 353 and 212 of IPC. He further submitted that the offence under Section 353 is for assault or uses criminal force to deter the public servant in discharge of official duty and the offence under Section 212 is for harbouring the offender. As regards the other offences for which the FIR registered, there is no specific allegation or overtact against the petitioner. Even taking the alteration report on the face value, taken in its entirety, then to no *prima facie* material to proceed against the petitioner. In this case, the FIR registered in the year 2021 and the



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petitioner arrayed as accused during 2023. He further submitted that the only reason to array the the petitioner as accused is that the petitioner's sister Narmadha/A5, Special District Revenue Officer of National Highways Authority of India (Land Acquisition) was harboured by the petitioner. Further the petitioner travelled along with her sister/A5 on 03.03.2023 from Chennai to Coimbatore by flight and provided her save haven despite the petitioner knowing that her sister/A5 was on a run fearing arrest in Crime No.5 of 2021. Further, a non-bailable warrant was pending against A5 and CBCID was in search of her to arrest in the above case. Hence, the petitioner harboured her sister Narmadha/A5 is the case against her. It is not in dispute that the petitioner and A5 are blood sisters. Whatever the illegality committed by A5, it is for her to face the prosecution. The petitioner as Personal Assistant in Regional Transport Office, Ooty was attending the office throughout this period. Thus travelling with her blood sister/A5 in a flight would in no way attract harbouring.

5.He further submitted that in this case, admittedly, the petitioner's sister/A5 arrested in Madurai, thereafter based on her confession, the



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petitioner arrested on 25.08.2023 in Coimbatore. He further submitted that the petitioner's sister/A5 arrested in Madurai and the petitioner arrested in Coimbatore in two different cities and both were not together. For single stray incident of travelling along with her sister/A5, it cannot be construed as harbouring in any manner. The petitioner, along with her family, is residing in Coimbatore having her own life. Prior to the confession and arrest of the petitioner, the 1<sup>st</sup> respondent Police not made any enquiry or sent any communication seeking information of her sister's whereabouts. The petitioner was not aware about the 1<sup>st</sup> respondent Police hunting for her sister. Even in the FIR, her sister/A5 is not a named accused. Subsequently, arrayed as accused. Thus, looking the case from any angle, the offence under Sections 353 and 212 of IPC not made out against the petitioner. Hence, he prayed for quashing the FIR.

6.Learned Additional Public Prosecutor appearing for the 1<sup>st</sup> respondent Police filed counter and submitted that the petitioner filed this quash petition not seeking to quash the FIR against her alone, but seeking to quash the entire FIR against all the accused persons which would



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clearly show that the petitioner is battling for her sister and other accused.

Hence, the quash petition not to be entertained. He further submitted that the petitioner relied on the decision in *M/s.Neeharika Infrastructure Private Limited v. State of Maharashtra* reported in *AIR 2021 SC 1918* is not applicable to the facts and circumstances of the case. In this case, the petitioner's sister/A5 is the prime accused who sanctioned and allowed fake claims to the tune of Rs.40,04,71,744/-. The petitioner's sister not verified the genuineness of the document, claim of the claimants, nor did she raise any doubt regarding the land which was gifted for a public purpose and which cannot be reclaimed in any manner. On the face of it, the claim made based on forged documents and the claim with false reasons. Despite the same, the petitioner's sister entertained the claim and on her recommendation, the public money running to crores usurped by the accused. As regards the petitioner is concerned, now claiming innocence that she is not aware about her sister facing a case of serious in nature cannot be accepted on the face value. In this case, the FIR registered in the year 2021 and the petitioner travelled along with her sister on 03.03.2023 from Chennai to Coimbatore is confirmed. Hence, the fact that the petitioner harboured her sister is



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confirmed. The petitioner's sister arrested in Madurai, and thereafter, by way of alteration report, the petitioner's name included and she was arrested in Coimbatore.

7.He further submitted that the investigation is still in progress. The contention of the petitioner will be considered during investigation. On completion of investigation, if the petitioner's claim found to be true travelling together found to be a stray incident, the petitioner's name will be dropped. Before that stage, entertaining the present quash petition is not proper. Hence, prayed for dismissal.

8.Considering the submissions and on perusal of the materials, it is seen that in this case the FIR in Crime No.5 of 2021 registered by the 1<sup>st</sup> respondent Police on 24.12.2021 for offence under Sections 465, 468, 471 and 420 IPC against five persons viz., A1/Rajesh, A2/Ravi, A3/Pangaiyarselvi, A4/Vinayagam and A5/Suresh. Simultaneously, Writ Petitions filed before this Court in W.P.Nos.2711, 2719 & 3177 of 2020 and this Court by order dated 17.07.2023 directed the Investigating Agency to register a case against the Government officials under the



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Prevention of Corruption Act, 1988 and by order dated 28.06.2024 this

Court expressed concerns that authorities are allowed to walk freely despite huge fraud committed. Thereafter only the petitioner's sister Narmadha search intensified in this case. Admittedly, the petitioner and her sister travelled to Coimbatore together on 03.03.2023 by flight, which was much prior to the directions issued in the writ petitions. At that time, there was no serious search for Narmadha/A5, the petitioner's sister. The petitioner is employed in the Regional Transport Office, Ooty, and her residence at Coimbatore along with her family is also not in dispute.

9.In this case, the petitioner's sister, Narmadha/A5 arrested in Madurai. In her confession, she disclosed her movements during the relevant period and places she travelled with the petitioner on one such occasion. Based on this disclosure, alteration report filed and the petitioner arrayed as A12 and arrested in Coimbatore on 25.08.2023 for offence under Sections 212 and 353 IPC. Admittedly, the petitioner has no role with regard to offences under Sections 465, 468, 471 and 420 IPC and Sections 13(1)(c) & 13(1)(d) of Prevention of Corruption Act, 1988.



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10.It is not in dispute that there is no material to demonstrably prove that the petitioner had prior knowledge of the commission of the offence or that she had intentionally harboured the accused with a view to screen her from legal proceedings. Mere relationship with the prime accused and accompanying her blood sister on a flight for a day would not give rise to any *mens rea* on the part of the petitioner. In the absence of *mens rea*, no offence under Section 212 IPC is made out. Further, there is nothing to show that any public servant was deterred in any manner by the petitioner in the discharge of official duties by the use of force. Hence, the offence under Section 353 IPC is not made out. Reading the complaint and FIR, as a whole, no case made out against the petitioner/A12.

11.Thus, looking the case of the petitioner in any angle, it is clear that the case against the petitioner for offence under Sections 353 & 212 IPC is not sustainable.



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12.In the result, this Criminal Original Petition is allowed and the FIR in Crime No.5 of 2021 dated 24.12.2024 on the file of the 1<sup>st</sup> respondent Police is hereby quashed against the petitioner/A12 alone. Consequently, connected Criminal Miscellaneous Petition is closed.

07.04.2026

Index: Yes/No  
Speaking Order/Non-Speaking Order  
Neutral Citation: Yes/No  
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To

- 1.The Inspector of Police,  
CBCID Police Station,  
Kancheepuram,  
Kancheepuram District.
- 2.The Public Prosecutor,  
High Court, Madras.



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M.NIRMAL KUMAR, J.

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