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CRL RC No. 638 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 13-03-2026**

CORAM

**THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

**CRL RC No. 638 of 2026**

Rajammal

..Petitioner(s)

Vs

1.Murugesan

2.Thirumana Gowder

3.Krishnappa Gowder

4.State Rep. By  
The Inspector of Police,  
Panthayasalai Police Station,  
Coimbatore – 641 018.

..Respondent(s)

Criminal Revision Case filed under Section 438 r/w 442 of BNSS Act, praying to call for the records relating to the order dated 07.01.2026 made in C.M.P.No.12743 of 2026 on the file of the learned Judicial Magistrate No.III, Coimbatore, and set aside the same, and consequently restore the private complaint filed by revision petitioner.

For Petitioner(s): Mr.M.Mohamed Riyaz

For Respondent(s): Mr.R.Kishore Kumar,  
Government Advocate (Crl.Side)



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## **ORDER**

This Criminal Revision Case has been filed to call for the records relating to the order dated 07.01.2026 made in CrI.M.P.No.12743 of 2025 on the file of the learned Judicial Magistrate No. III, Coimbatore, and to set aside the same, and consequently to restore the private complaint filed by the revision petitioner.

2. The case of the prosecution is that the petitioner/complainant has alleged that the accused persons had created a forged document, namely a Will, by forging the signature of her husband and filed the same before the Hon'ble V Additional District Court at Coimbatore as if it were a genuine document. According to the petitioner, the accused persons have thereby committed offences relating to forgery and use of forged documents as genuine before a Court of law.

3. I heard the learned counsel for the petitioner. The main contention put forth by the learned counsel for the petitioner is based upon the judgment reported in (2005) 4 SCC 370 (*Iqbal Singh Marwah and another Vs. Meenakshi Marwah and another*), wherein the learned counsel referred to



paragraphs 33 and 34 of the said judgment and the same are extracted hereunder for convenience sake:-

*“33. In view of the discussion made above, we are of the opinion that Sachida Nand Singh [(1998) 2 SCC 493 : 1998 SCC (Cri) 660] has been correctly decided and the view taken therein is the correct view. Section 195(1)(b)(ii) CrPC would be attracted only when the offences enumerated in the said provision have been committed with respect to a document after it has been produced or given in evidence in a proceeding in any court i.e. during the time when the document was in custodia legis.*

*34. In the present case, the Will has been produced in the court subsequently. It is nobody's case that any offence as enumerated in Section 195(1)(b)(ii) was committed in respect to the said Will after it had been produced or filed in the Court of District Judge. Therefore, the bar created by Section 195(1)(b)(ii) CrPC would not come into play and there is no embargo on the power of the court to take cognizance of the offence on the basis of the complaint filed by the respondents. The view taken by the learned Additional Sessions Judge and the High Court is perfectly correct and calls for no interference.”*



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4. From the above ratio, the learned counsel would submit that the finding rendered by the learned Judge directing the petitioner to approach the Civil Court and thereafter initiate criminal proceedings is in contravention of the ratio laid down in the *Iqbal* case.

5. On reading the impugned order, it is seen that the learned Judge has found that there is no factual finding with respect to the alleged forgery by the Civil Court. Therefore, unless there is a finding in respect of the forgery, the question of entertaining the criminal complaint does not arise.

6. Though the learned counsel referred to the judgment in ***Iqbal Singh Marwah and another Vs. Meenakshi Marwah and another*** and relied upon the ratio extracted therein, the factual position in that case was that the complainant had filed a civil suit and obtained a finding that the document in question was forged, and only in pursuance of such finding the criminal complaint was directed to be registered. However, in the present case, the factual position does not support the case of the petitioner so as to apply the above ratio.



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7. Further, as held by the Hon'ble Supreme Court of India in *Urmila Devi vs. Balram* reported in *2025 SCC Online SC 1574*, a person cannot seek to disguise a purely civil dispute as a criminal proceeding.

8. In such view of the matter, this Court does not find any infirmity in the order passed by the learned Judicial Magistrate.

9. Accordingly, the Criminal Revision Case stands dismissed.

13-03-2026

cda

To

1.The Inspector of Police,  
Panthayasalai Police Station,  
Coimbatore – 641 018.

2.The Public Prosecutor,  
High Court of Madras.



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**C.KUMARAPPAN J.**

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