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Crl.O.P.No.9342 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.9342 of 2023 and
Crl.MP.Nos.6109 & 6110 of 2023

1.T.J.Eswari
2.N.T.Sadatcharam
3.T.J.Vijayalakshmi
4.Kalavathi Kumaresan

... Petitioners

Vs.

T.J.Ramakrishnan

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C. praying to call for the records relating to the proceedings in CC.No.2136 of 2022 pending on the file of XVII Metropolitan Magistrate Court, at Saidapet, Chennai and quash the same as against the petitioners/accused.

For Petitioners : Mr.S.D.Venkateswaran

For Respondent : No appearance

ORDER

This criminal original petition has been filed praying to quash the proceedings in CC.No.2136 of 2022 pending on the file of XVII Metropolitan Magistrate Court, at Saidapet, Chennai.



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2. The petitioners are the accused in the private complaint lodged by the respondent alleging that the father of the petitioners and the respondent owned property, for which the respondent and the petitioners became the owners after the demise of their father. The petitioners and the respondent are having $\frac{1}{4}$ undivided share each in the said property by virtue of settlement deed registered vide document No.902 of 2002. They constructed apartment in the said property and each of them had taken one flat and they are using common areas including the compound wall, two gates, sumps, overhead tank and other lines and open areas. While being so, the first and second petitioners used to quarrel with the respondent with regards to parking of his car in the open common area of the premises. Further, the first and second petitioners intended to cause damage to a common area used by the respondent herein. While being so, on 09.04.2014, when the respondent was not in his house, the first and second petitioners had removed the common gate in the north western side without the consent of the respondent. Therefore, the respondent lodged complaint and it was not considered by the concerned police station. Therefore, he filed suit in OS.No.2089 of 2014 on the file of the XV Assistant City Civil Court, Chennai for injunction restraining the petitioners herein from constructing wall and altering the structure of any common area. While examining the witnesses, the second petitioner

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produced a memorandum of understanding dated 15.04.2006. On perusal of the same, the respondent found that the signature found in the memorandum of understanding was not that of his signature and it was a concocted and forged document. However, the matter was referred before Lok Adalat for amicable settlement. Before Lok Adalat, all the petitioners and the respondent entered into joint memo of compromise and filed the same before Lok Adalat. Accordingly, the suit was decreed as per the terms and conditions of the joint memo of compromise. However, the terms and conditions of the joint memo of compromise were violated by the petitioners and as such, the respondent caused notice and the respondent lodged complaint for the offence punishable under Sections 120(b), 193, 205, 209, 465, 468, 471, 294(b) and 506(ii) of IPC.

3. Heard the learned counsel for the petitioners and perused all the materials placed before this Court. Though notice was served on the respondent and a counsel has filed vakalat on behalf of him, the respondent has not appeared before this Court either in person or through pleader.

4. It is seen that on a joint memo of compromise entered into between the parties and on producing the same before Lok Adalat,



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accordingly, the suit in OS.No.2089 of 2014 was decreed. If at all any violation as per the terms and conditions committed by the parties, the respondent ought to have approached the civil court for appropriate relief. After having been entering into the joint memo of compromise, the respondent now cannot lodge complaint alleging that his signature in the said memorandum of understanding is found to be forged. That apart, the petitioners and the respondent are sisters and brother in law. Further, once again the respondent has filed suit in OS.No.2176 of 2018 on the file of the XV Assistant City Civil Court and it is pending for adjudication. Therefore, no offence is made out against the petitioners as alleged in the complaint.

5. Further, the offence of 'forgery' under Section 468 IPC postulates that whoever commits forgery, with respect to a document or electronic document for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to pay fine. Whereas Section 471 IPC states that whoever fraudulently or dishonestly uses a forged document as a genuine one which he knows or has reason to believe it to be a forged document, shall be punished in the same manner as if he had forged such document. There are two primary components that needs to be fulfilled in



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order to establish the offence of 'forgery' namely (i) that the accused has fabricated an instrument; and (ii) it was done with the intention that the forged document would be used for the purpose of cheating. Simply put, the offence of forgery requires the preparation of a false document with the dishonest intention of causing damage or injury. Therefore, the offence of forgery requires the preparation of false document with the dishonest intention of causing damage. As such, offences under Sections 468 and 471 of IPC are not at all attracted against the petitioners.

6. That apart, as stated supra, after having been accepted the memorandum of understanding without disputing the signature found in the memorandum of understanding dated 15.04.2006, the respondent entered into joint memo of compromise with the petitioners in OS.No.2089 of 2014 and the suit was decreed as per the terms and conditions of the joint memo of compromise. Now after period of 16 years, the respondent has lodged complaint alleging that the said memorandum of understanding dated 15.04.2006 is fabricated one and the signature of the respondent has been forged. Therefore, the entire proceedings initiated by the respondent is nothing but clear abuse of process of law. It has been manifestly attended with malafide intention and it has been maliciously instituted with an ulterior motive to settle the

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civil dispute by way of criminal law. Therefore, the impugned proceedings cannot be sustained and the same is liable to be quashed.

7. Accordingly, the impugned proceedings in CC.No.2136 of 2022 pending on the file of XVII Metropolitan Magistrate Court, at Saidapet, Chennai, is quashed and this criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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