



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 16330 of 2025

and CrI.M.P.Nos.10196 and 10197 of 2025

1. K.R.Chandran
2. K.R.Arjun
3. K.R.Halldorai
4. K.R.Ramesh

..Petitioner(s)

Vs

1. The State Rep.by
The Inspector of Police,Periyanaikenpalayam
Police Station,
Coimbatore District.

2. KR Andu Gowder
Son of K.Rangaiya Gowder,
Ketti, Ketti Post,
The Nilgiris.

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of the BNSS, 2023, praying to call for the records to proceedings in C.C.No.71 of 2014 on the file of the Judicial Magistrate No V, Coimbatore and quash the same.

For Petitioner(s):

Mrs.AL.Ganthimathi
Senior Counsel
for Mr. L.Palani Muthu

For Respondent(s):

Mr.R.Ganesh Kumar
Government Advocate (Crl. Side) - R1



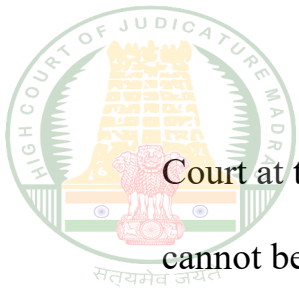
ORDER

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This Criminal Original Petition has been filed seeking to call for the records to the proceedings in C.C.No.71 of 2014 on the file of the Judicial Magistrate No V, Coimbatore and quash the same.

2.The case of the prosecution is that the petitioners without impleading the original legal heirs of the deceased Rangaiya Gowder, executed the partition deed by including the persons who are not the legal heirs of the Rangaiya Gowder and registered the same in document No.8312 of 2009. It is the further allegation that the petitioners that they had also shown their sister Seeni Lakshmi as died, whereas, on the date of the execution of the partition deed , all the other legal heirs are very much alive and in order to cheat the other legal heirs, the accused executed partition deed and registered the same. Therefore, on the complaint lodged by the 2nd respondent, the 1st respondent registered F.I.R. and filed final report for the offences punishable under Sections 120B, 468, 471 r/w 120B IPC.

3.Further, the petitioners have already filed a petition to quash the entire proceedings in Crl.O.P.No.22231 of 20214 and this Court dismissed the quash petition vide order dated 27.07.2023. Against which, SLP(Criminal) No.4445 of 2024 was preferred and the same was also dismissed by the Hon'ble Supreme



Court at the admission stage itself on 13.12.2024. Therefore, the second petition cannot be entertained without stating any new grounds.

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4.The Hon'ble Supreme Court of India in the judgment reported in 2019 (4) SCC 351 in the case of Devendra Prasad Singh Vs. State of Bihar & Anr., (Crl.A.No.579 of 2019 dated 02.04.2019) while dealing with the petition to quash the entire criminal proceedings held that the High Courts have no jurisdiction to appreciate the statement of the witnesses and record a finding that there were inconsistencies in their statements and therefore, there was no prima facie case made out as against the accused. It could be done only by the trial Court while deciding the issues on the merits or/and by the Appellate Court while deciding the appeal arising out of the final order that the charge sheet has been laid on the basis of the inconsistency statement under Section 161 of Cr.P.C./180 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5.The Hon'ble Supreme Court of India in another judgment dated 02.12.2019 passed in Crl.A.No.1817 of 2019 in the case of M.Jayanthi Vs. K.R.Meenakshi & anr, held that while considering the petition for quashment of complaint or charge sheet, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. Further, the Court

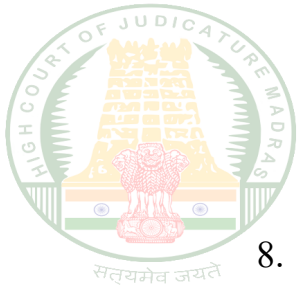


can also see whether the preconditions requisite for taking cognizance have been complied with or not and whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged.

Whether the accused will be able to prove the allegations in a manner known to law would arise only at a later stage i.e., during trial.

6.Further, this Court cannot observe at this stage as to whether the initiation of criminal proceeding itself is malicious or not. The same is required to be considered at the conclusion of the trial. Therefore, the ground raised by the petitioners to quash the charge sheet cannot be entertained.

7.In view of the above discussion, this Court is not inclined to quash the proceedings in C.C.No. 71 of 2014, on the file of the learned Judicial Magistrate No.V. Coimbatore. The petitioners are at liberty to raise all the grounds before the trial Court. **Considering the age of the petitioners, the personal appearance of the petitioners is dispensed with and they shall be represented by a counsel after filing appropriate application. However, the petitioners shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 351 of BNSS and at the time of passing judgment.** The trial Court is directed to complete the trial within a period of six (6) months from the date of receipt of a copy of this Order.



8. The Criminal Original Petition stands dismissed accordingly.

Consequently, the connected miscellaneous petitions are also closed.

12-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore District.



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G.K.ILANTHIRAIYAN, J.

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