



WEB COPY

CRL RC No. 1423 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 1423 of 2024

Loganathan,
S/o.Chinnapaiyan (late)

..Petitioner(s)

Vs

1. Rajagopal
S/o.Etti
2. R.Gunasekaran
S/o.Rajagopal
3. S.Baskar,
S/o.Sivanadam
4. K.Ramadoss
S/o.Kamalanathan

..Respondent(s)

PRAYER

Criminal Revision Case filed under Sec.438 r/w 442 of B.N.S.S., 2023, to set aside the order of discharge dated 03.05.2024 passed in C.C.No.101 of 2018 by the Learned Judicial Magistrate No.II, Poonamallee.

For Petitioner(s): Mr. V.K.Sathiamurthy

For Respondent(s): Mr. E.Senthil Nathan for R2 to R4

ORDER

The revision challenges the order passed in C.C.No.101 of 2018 by the Judicial Magistrate No.2, Poonamallee discharging the respondents, who were facing prosecution for the offences under Sec.420 and 465 I.P.C.



2. The gist of allegation in the complaint filed by the petitioner/complainant before the trial court is that the 1st respondent had falsely claimed title over the property belonging to the petitioner and executed a settlement deed in favour of 3rd respondent in order to deprive the petitioner of his property.

3. The learned Judicial Magistrate No.2, Poonamallee found that the respondents have not committed the offence of forgery in as much as they had not signed or created any document to make it appear that it was signed or created by some other persons; and that therefore, the execution of document by claiming false title would not amount to forgery. The learned Magistrate had also found that the respondents had not deceived any person by making any false representation and hence, the offence under Sec.420 I.P.C. is not made out.

4. The learned counsel for the petitioner would submit that the execution of a document by making a false claim of title would amount to forgery.

5. This issue is directly covered by the judgment of Hon'ble Supreme Court of India passed in *Md. Ibrahim and Ors vs. State of Bihar and another on 4 September 2009*, wherein the Hon'ble Supreme Court held that a document executed by making false claim of title would not amount to forgery unless the ingredients of Sec.463 and 464 are made out. That apart, the learned



Magistrate has rightly observed that no third person was deceived because of false claim of title made by the respondents. Therefore, the offence of Sec.420 is also not made out.

6. It is needless to state that if the petitioner is aggrieved by the execution of any document by the respondents, it is always open to him to challenge the same before the Civil Court. It is also reported that there is a civil suit pending between the parties. In such circumstances, there is no infirmity in the order passed by the learned Magistrate in C.C.No. 101 of 2018. Accordingly, this Criminal Revision Case is dismissed.

08-01-2026

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

To

Judicial Magistrate No.2, Poonamallee.



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SUNDER MOHAN J.

RPP

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