

Crl.O.P.No.16692 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 01.07.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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and Crl.M.P.Nos.11048 and 11050 of 2026

1. T.V.Payani
2. Prasannalakshmi
3. Krishnageeth
4. Sekar
5. Selvaraj

.. Petitioners

Versus

1. STATE: Represented By,
Inspector of Police,
Arcot Town Police Station,
Cr.No.613 of 2024,
Ranipet District.

2. Vijayakumar

.. Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records and quash the proceeding in C.C.No.70 of 2026 on the file of the learned District Munsif-cum-Judicial Magistrate, Arcot for the alleged offences under Sections 465, 467, 468, 420, 471, 506(i) and 120B of the Indian Penal Code, 1860 in Crime No.613 of 2024 on the file of the 1st respondent Police.

For Petitioners : Mr.Swami Subramanian



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For Respondents : Mr.M.Mohamed Riyaz,
Government Advocate (Criminal Side),
for R1

: Mr.T.Saravanan, for R2

ORDER

The prayer in this Criminal Original Petition is to call for the records relating to the Final Report filed in C.C.No.70 of 2026 on the file of the learned District Munsif-cum-Judicial Magistrate, Arcot and to quash the same.

2. Heard Mr.Swami Subramanian, learned Counsel for the petitioners and Mr.M.Mohamed Riyaz, learned Government Advocate (Criminal Side) for the first respondent.

3. On a perusal of the Final Report, the gist of allegations is that the petitioners herein and the de facto complainant, being the trustee of an organization which caters to the needs of the deaf and blind, entered into transactions of exchange. Both sides exchanged certain properties belonging to each of them and an exchange deed was duly registered. After the same, when the de facto complainant trustee wanted to develop the property, the appropriate authority did not approve the same by pointing out that the property is a Government Poramboke Mayanam.



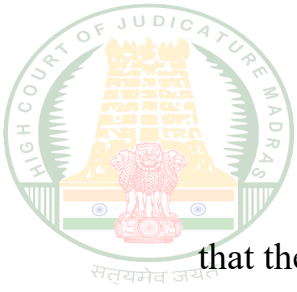
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Therefore, the present complaint is given.

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4. The primary contention of the learned Counsel for the petitioners is that the petitioners did not create any false document or records with reference to the property. The petitioners had, in fact, purchased the S.No.212 in question which was described as 3 plots and it was sold to the petitioners by a registered sale deed, dated 08.06.2016 registered as Document No.3393 of 2016. When the petitioners are bona fide purchasers for value and having been in enjoyment and possession of the plot until the exchange deed transfers what was acquired by them, there is absolutely no question of creating any false document. The learned Counsel would further point out to the proceedings of the Sub-Registrar, whereby, even the guideline value was also fixed in respect of the said S.No.212 at the rate of 450 per Sq.ft. Therefore, there was no iota of doubt for the petitioners to have suspected the same to be a Mayanam.

5. The learned Government Advocate (Crl. Side) would place reliance on the statements made by the listed witnesses and also produced the A-Register in respect of the said land which describes the property as Government Poramboke and burial ground. Therefore, he would submit



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that the offences are made out.

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6. As contended by the learned Counsel for the petitioners, if only the petitioners never knew that it is a Mayanam and transferred what was purchased by them innocuously, then, no offence under Section 420 of the Indian Penal Code or creation of false documents under Section 464 of the Indian Penal Code would be made out. On the contrary, even though the petitioners have purchased the property, if they had further transferred the same with knowledge, then, the question has to be considered as to whether they knowingly lured the de facto complainant for taking his properties in exchange or not. Therefore, even though the learned Counsel had produced several documents in his favour, this is not a case where I find that the said arguments are incontrovertible. When a contra stand can be taken by the de facto complainant during the trial, I am of the view that the arguments made before this Court should be established only during the trial and the quash petition on the said grounds cannot be entertained. It should be noted that even as per the case of the petitioners, if the petitioners are cheated by their vendors, then, no further steps have so far been taken to acknowledge the same or to take up the issue to their predecessors in title. That is also kept in mind.



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7. For all the above reasons, leaving the liberty of the petitioners open to raise all the grounds before the Trial Court, this Criminal Original Petition stands disposed of. Considering the nature of transactions and hardship prayed, the appearance of the petitioners before the Trial Court shall stand dispensed with except for the necessary hearings that are insisted by the Trial Court. Consequently, connected miscellaneous petitions are closed.

01.07.2026

Neutral Citation : no
grs

To

1. The District Munsif-cum-Judicial Magistrate,
Arcot.
2. The Inspector of Police,
Arcot Town Police Station,
Ranipet District.
3. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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