



WEB COPY

CRL OP No. 21049 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

**CRL OP No. 21049 of 2023 &
Crl.M.P.No.14444 of 2023**

1. Mariammal
W/o. Late Elumalai, No. 12(3), Mettu Street,
Kumaravadi - 603107, Thiruporur Taluk,
Chengalpet District.
2. Usha
W/o. Late Jeganathan, No. 74/94, Gothanda
Ramar Koil Street, West Mambalam, Chennai -
600033.
3. K.Sundar
S/o. Late Kannan, No. 129, Madaveethi,
No. 23, Thiruvidanthai Village, Thiruporur -
603112. Chengalpet District.
4. J.Pavendan
S/o.Mr. Jeganathan, No. 74/94, Gothanda
Ramar Koil Street, West Mambalam, Chennai -
600033.

..Petitioner(s)

Vs

1. State Rep By
Inspector Of Police, District Crime Branch,
Chengalpattu, Chengalpattu District.
Crime No. 20 Of 2022
2. J.Munusamy,
S/o. Jayaraman, No. 231/269, K.V.B. Garden,
Raja Annamalaipuram, Chennai - 600028.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for the records of First Information Report in Crime



No.20 of 2022 on the file of the Inspector of Police, District Crime Branch, Chengalpattu and Quash the Same

WEB COPY

For Petitioner(s):

Mr M.R. Jothimanian

For Respondent(s):

Mr.A.Gopinath for R1

Government Advocate (Crl.Side)

Mr.N.Tamilarasu for R2

No appearance

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.20 of 2022 on the file of the 1st respondent / Inspector of Police, District Crime Branch, Chengalpatu.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the 1st respondent and perused the documents placed on record. Though notice was ordered to the 2nd respondent, there is no appearance for the 2nd respondent either through learned counsel or in person.

3. On the complaint lodged by the 2nd respondent, an FIR in Crime No.20 of 2022 was registered by the 1st respondent as against the petitioners herein for the offences punishable under Sections 465, 467, 468, 471 and 474 of IPC alleging that the property comprised in Survey Nos.1425/2 and 1429/3D measuring to an extent of 2.62 cents, situated at Thaiyur Village,



Thiruporur Taluk, Chengalpattu District belongs to the 2nd respondent's father and the same was purchased through a sale deed dated 30.09.1974 registered vide Doc.No.1789/1974 and the 2nd respondent's father died on 13.05.2017 leaving behind his wife and other seven legal heirs. Thereafter, the 2nd respondent's mother also died on 04.05.2020. While so, the 3rd accused, without any right or title over the property, fabricated the records in respect of the subject property, as if the same belonged to the 1st accused and she executed a registered settlement deed in favour of the 2nd accused on 24.09.2020 vide Doc.No.8804 of 2020, thereby the accused tress passed into the property of the 2nd respondent.

4. On a careful perusal of the records and the submissions made on either side, it reveals that the 2nd petitioner, owned the subject property in Survey Nos.1425/2 and 1429/3D, to an extent of 1.09.00 hectares, situated at Thaiyur Village, Tiruporur through a settlement deed executed by the 1st petitioner dated 24.09.2020 vide Document No.8804/2020. Originally, the said property was acquired by the grandfather of the 2nd petitioner, namely, Jayaraman by way of inheritance and her grandfather paid revenue taxes for the subject property and he was issued with the patta on 09.07.1974. The 2nd petitioner's grandfather has been in absolute possession and enjoyment of the subject property and also all the revenue records stood in his name under Patta No.257. While that being so, the grandfather of the 2nd petitioner died on 21.09.1983 leaving behind the 1st petitioner as his only legal heir.



Thereafter, the 1st petitioner had acquired the said property by way of succession and all the revenue records have been mutated in her name. Due to the elderliness of the 1st petitioner, she executed a registered settlement deed in favour of her only daughter, namely, the 2nd petitioner on 24.09.2020 vide document No.8804/2020 and thereafter, the 2nd petitioner is in absolute possession and enjoyment of the property as on date and she has a valid title over the property. While that being so, the 2nd respondent herein claiming right over the property had attempted to tress-pass into the property, therefore, the 1st and 2nd petitioners have no other option except to approach the Civil Court in O.S.No.8 of 2021 for grant of permanent injunction restraining the 2nd respondent from interfering with the peaceful enjoyment of the said property on the file of the learned District Munsif, Chengalpet and in fact, the learned District Munsif, Chengalpet had granted an order of status quo on 07.01.2021 in I.A.No.2 of 2021 in O.S.No.8 of 2021. Till date, the Interim order is continuing in favour of 1st and 2nd petitioners.

5. It is relevant to note that after grant of an interim order by the learned District Munsif, Chengalpet, the 2nd respondent has lodged a complaint with the above said allegation, in fact, on receipt of the same, the petitioners are called for enquiry and the 1st respondent attempted to do katta panchayat by insisting the petitioners to execute sale deed in favour of the 2nd respondent. Immediately, the petitioners filed the Writ Petition before this Court in W.P.No.18720 of 2021 seeking to forbear the respondents and other police



officials from interfering with the civil disputes pending between the petitioners and the 2nd respondent herein and this Court by an order dated 14.09.2021 disposed of the Writ Petition by recording the affidavit of undertaking filed before this Court stating that the police would not interfere with the dispute pending between the accused 1 & 2 and the 2nd respondent herein. Thereafter, even though the 1st respondent was dare enough to register the FIR as against the accused, as if they fabricated the documents of the subject property, now, the Civil Court has seized off the matter in O.S.No.8 of 2021 and it is pending for adjudication. When there is a civil dispute pending in respect of the subject property, no offence under Sections 465, 467, 468, 471 and 474 of IPC can be made out as against the petitioners. The entire issue is civil in nature and therefore, no complaint can be sustained as against the accused herein. In fact, after the settlement deed dated 24.09.2020, the 2nd respondent waited for three years and lodged a complaint that too after the suit filed by the accused 1 and 2.

6. Therefore, the present FIR is nothing but it is a clear abuse of process of law and attempted to give a criminal colour to the civil dispute, which is already in existence on the file of District Munsif Court, Chengalpet in O.S.No.8 of 2021.

In view of the above, the Crime No.20 of 2022 on the file of the 1st respondent police is liable to be quashed. Accordingly, the same is quashed



and the present Criminal Original Petition is allowed. Consequently,
connected miscellaneous petition is closed.

WEB COPY

21-04-2026

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

To

State Rep By
Inspector Of Police, District Crime Branch,
Chengalpattu, Chengalpattu District. Crime No.
20 Of 2022



WEB COPY

CRL OP No. 21049 of 2023



G.K.ILANTHIRAIYAN, J.

ssd

CRL OP No. 21049 of 2023

21-04-2026