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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 17890 of 2026

CNR:{HCMA011495802026}

AND

CRL MP NOS.11950 & 11951 OF 2026

1. E.Murugan
   S/o. Late K. Ellapa Reddy,
   No.40, Velayudha Reddy,
   Vengathur,
   Kandigai Village,
   Manavalanagar Post,
   Tiruvalluvar Taluk and District-602 002.

2. E. Srinivasan
   S/o. Late K. Ellapa Reddy,
   No.40, Velayudha Reddy,
   Vengathur,
   Kandigai Village,
   Manavalanagar Post,
   Tiruvalluvar Taluk and District-602 002.

3. Ellamma
   W/o. Govindaraj,
   No.40, Velayudha Reddy,
   Vengathur,
   Kandigai Village,
   Manavalanagar Post,
   Tiruvalluvar Taluk and District-602 002.

..Petitioner(s)

Vs

1. The State of Tamilnadu Rep. by
   Inspector of Police,
   District Crime Branch,
   Thiruvallur District.
   Crime No.10 of 2023

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2. Sai Sivasankar
s/o. Imayavaramban,
Door No.11/5A,
ESI Hospital Road,
Peravallur,
Chennai-600 011.

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, praying to call for the records relating to the CC No.407 of 2024 pending on the file of Judicial Magistrate No.1, Thiruvallur and quash the same by allowing this Criminal Original Petition.

For Petitioner(s): Mr.D. Bennington

For Respondent(s): Mr.A.Amarnath,
Additional Public Prosecutor for R1

Mr.N.Ramesh for R2

Order

This Criminal Original Petition has been filed to call for the records relating to the CC No.407 of 2024 pending on the file of Judicial Magistrate No.1, Thiruvallur and quash the same.

2.The case is that the property measuring 13 cents in Survey No.73/5A, situated at Mel Nallathur Village, Tiruvallur Taluk and District, originally belonged to the father of the second respondent and that the petitioners' father, Ellappa Reddy, had created forged documents and was in unlawful possession and enjoyment of the said property. The petitioners contend that they are the absolute owners of the property measuring 0.0550 hectares (13 cents) in Survey

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No.73/5A, Mel Nallathur Village, having derived title through their father, who purchased the property under a registered sale deed dated 21.03.1986, registered as Document No.343 of 1986 on the file of the Sub-Registrar Office, Manavala Nagar. Subsequently, he executed a settlement deed dated 27.05.2019 in their favour. The petitioners further submit that, pursuant to the settlement deed dated 27.05.2019, registered as Document No.1878 of 2019 on the file of the Sub-Registrar, Manavala Nagar, patta was transferred in their names under Patta No.9970. They have also put up a superstructure on the property and leased it to M/s. Neo Heights Builders & Promoters Pvt. Ltd. The property tax records also stand in their names, and they claim to be in continuous, exclusive and uninterrupted possession and enjoyment of the property. The petitioners allege that the second respondent, having no valid title over the subject property, has been repeatedly interfering with their possession and asserting rights on the basis of an allegedly forged sale deed of the year 1999.

3.The further case is that the second respondent instituted O.S.No.73 of 2023 before the learned Subordinate Judge, Tiruvallur, while the petitioners instituted O.S.No.687 of 2025, and both suits are pending before the learned Principal District Judge, Tiruvallur. Suppressing the pendency of the civil proceedings, the second respondent lodged a complaint, based on which the respondent police registered the case and filed a charge sheet without conducting a proper enquiry or investigation. During the pendency of the suits,

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the second respondent also approached the Revenue Divisional Officer, Tiruvallur, seeking cancellation of patta, pursuant to which notices were issued to the petitioners to appear for an enquiry. The petitioners appeared before the Revenue Divisional Officer, Tiruvallur, and brought to his notice the pendency of the civil suits. However, without awaiting the outcome of the civil proceedings, the RDO cancelled the patta standing in their names by order dated 18.07.2025 in Na.Ka.No.1247/2023/A7. Challenging the said order, the petitioners preferred an appeal before the DRO, Tiruvallur, which is pending. The petitioners further contend that their possession was established by the surveyor's report and that the revenue authorities ought not to adjudicate upon title disputes that are pending before the Civil Court.

4.The said dispute is purely civil in nature, as both parties claim title over the subject property on the basis of rival sale deeds of the years 1986 and 1989, respectively, and civil suits are pending between them. They further submit that the revenue records were mutated in their names based on their title documents and that the second respondent has given a criminal colour to the civil dispute by lodging a false complaint with ulterior motives. Hence, the petitioners contend that the criminal proceedings amount to an abuse of the process of law. The respondent police registered a case against the petitioners and others in Crime No.10 of 2023 for the alleged offences under Sections 420, 468, 471 and 506(2) IPC. Upon completion of the investigation, a final report was filed,

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which was taken on file as C.C.No.407 of 2024 by the learned Judicial Magistrate No.I, Tiruvallur.

5.Heard the learned counsel on either side and perused the materials placed on record.

6.On perusal of the plaint filed by the second respondent in O.S.No.73 of 2023, it is seen that the suit has been instituted seeking a declaration of title and recovery of possession, which indicates that the second respondent claims that he is not in possession of the suit property. On the other hand, the petitioners contend that they have been in possession and enjoyment of the property pursuant to the settlement deed executed in their favour and have developed the property by putting up a construction thereon. The commercial portion of the building has also been leased out to M/s. Neo Heights Builders and Promoters Private Limited. Further, the property tax records stand in the names of the petitioners. The civil dispute is pending adjudication before the learned Principal District Judge, Tiruvallur.

7.On perusal of the records, it is seen that the petitioners' father had purchased the subject property in the year 1986, prior to the alleged purchase by the father of the second respondent. Therefore, the allegation of forgery levelled against the accused is disputed. The dispute between the parties is essentially

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civil in nature and is pending adjudication before the competent Civil Court. The allegations do not disclose any dishonest or fraudulent intention at the inception of the transaction; rather, they relate to rival claims of ownership and the validity of the respective title documents. Therefore, the essential ingredients of the offence under Section 420 IPC are not made out.

8.In the above circumstances, the continuation of the criminal proceedings would amount to an abuse of the process of law and result in a miscarriage of justice. Even assuming that the fathers of A2 and A3 had fabricated any sale deed, the same cannot, by itself, fasten criminal liability upon A2 and A3 herein, particularly when their father had executed a settlement deed in their favour in the year 2019.

9.In view of the above, the criminal proceedings are unsustainable in law and liable to be quashed. Accordingly, this Criminal Original Petition is allowed, and the proceedings in C.C.No.407 of 2024 are hereby quashed. It is made clear that none of the observations made by this Court shall influence the learned Civil Court while adjudicating the civil suits pending between the petitioners and the second respondent. Consequently, the connected Miscellaneous Petitions are closed.

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

To

1.The Principal District Judge,
Tiruvallur.

2.The Judicial Magistrate No.I,
Tiruvallur.

3.The Inspector of Police,
District Crime Branch,
Thiruvallur District.

4.The Public Prosecutor,
High Court,
Madras.

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