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CRL OP No. 24576 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-01-2026

CORAM

THE HON'BLE MR JUSTICE **A.D.JAGADISH CHANDIRA**

CRL OP No. 24576 of 2022
and Crl.O.P.Nos.15440 and 15441 of 2022

Shyed Ansari

..Petitioner

Vs

1.State Rep by
The Inspector of Police,
Anti Land Grabbing Special Cell,
Tiruppur.

2.Jeganathan

..Respondents

(R2 impleaded as per Order dated 14/11/2022 in Crl.M.P.No.17202 of 2022 in Crl.O.P.No.24576 of 2022)

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to quash the proceedings in C.C. No.315 of 2022 on the file of the Judicial Magistrate for Land Grabbing Cases, Tiruppur as far as the petitioner is concerned.

For Petitioner : Mr. A.Mohamed Ismail

For Respondents : Mr.K.M.D.Muhilan
Additional Public Prosecutor For R1
Mr.J.Jawahar For R2

ORDER

The present Criminal Original Petition has been filed to quash the proceedings in C.C. No.315 of 2022 on the file of the learned Judicial Magistrate, Special Court for exclusive trial of Land Grabbing Cases, Tiruppur



as far as the petitioner is concerned.

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2. The case of the prosecution is that the property in Survey Nos.472/1, 472/2, 473/3A and 473/3B at Narayanapuram Village, Palladam Taluk, Tiruppur District originally belonged to the ancestors of the first accused viz., Peer Sahib and Mydeen Sahib. The said property was leased to Muthu Gounder, the great grandfather of the *de facto* complainant in the year 1911. It is alleged that the said Peer Sahib and Mydeen Sahib did not redeem the property from the great grandfather of the *de facto* complainant. Later, considering the prolonged possession of the subject property by the ancestors of the *de facto* complainant, ryotwari patta was issued in the year 1967 in favour of Chenniappa Gounder (LW2), Ramasamy Gounder and Karpaga Gounder. Further, the subject property was partitioned between the heirs of the said Muthu Gounder namely Kuppana Gounder and Karupanna Gounder and later, patta was issued to those persons who claimed under the said partition deed. From the share that was allotted to the father of the *de facto* complainant, the *de facto* complainant and his father again partitioned by deed dated 23.02.1993 wherein an extent of 3 acres was allotted to the *de facto* complainant. In such circumstances, the first accused, upon the advice of the second and third accused, had conspired to grab the subject property and the second and third accused, had stated that if a power of attorney is executed in their favour by the first accused and other heirs of Peer Sahib and Mydeen Sahib (LW7 to LW11),



they would deal and restore the said subject property. On the false promise, the first accused, in connivance with the third accused, made LW-7 to LW-11 give a power of attorney to the second accused and LW-12 by a power of attorney dated 16.05.1997 registered as Document No.10 of 1997 with the office of the Sub Registrar, Nehamam. On the strength of the said power of attorney, the second accused and LW-12 sold the property to one Manimaran (LW-14) and the prosecution claims that the said Manimaran was impersonated and the said sale deed dated 28.05.1997 was registered as Document No.1806 of 1997. In turn, by impersonation of LW-14, the property was further sold to the third and fourth accused vide sale deed dated 20.07.1999 registered as Document No.2485 of 1995 with the office of the Sub Registrar, Palladam. In turn, the third and fourth accused had again given a power of attorney in favour of the first and fifth accused by power of attorney dated 26.05.2005 registered as Document No.551 of 2005 with the office of the Sub Registrar, Tiruppur Joint-II. The said document was drafted by the petitioner/A8, he being a licensed document writer.

3. The further case of the prosecution is that there were differences of opinion between the third and fourth accused and the third accused, without the knowledge of the fourth accused has cancelled the power of attorney given in favour of the first and fifth accused, and the said cancellation of Power of Attorney dated 04.08.2009 was registered as Document No.989 of 2009 with



the office of the Sub Registrar, Tiruppur Joint-II. The said document was also drafted by the petitioner/A8 as being a licensed Document Writer. Later, the third accused, by an unknown person, impersonated the fourth accused and cancelled the power of attorney of the fourth accused given vide power of attorney dated 26.05.2005 in favour of the first and fifth accused and the said cancellation of power of attorney dated 20.08.2009 was registered as Document No.1071 of 2009 with the office of the Sub Registrar, Tiruppur Joint-II. The said document was also drafted by the petitioner/A8, he being a licensed document writer. After cancelling in full, the power of attorney dated 26.05.2005 given in favour of the first and fifth accused, the third and fourth accused had once again given a power of attorney in favour of the ninth accused Viswanathan. The said power of attorney dated 28.08.2009 was registered as Document No.1112 of 2009 with the office of the Sub Registrar, Tiruppur Joint-II and the same was also drafted by the petitioner/A8, he being a licensed document writer, hence, he was arrayed as Accused No.8.

4. The learned counsel appearing for the petitioner submitted that the petitioner is a licensed document writer and during the course of his business, he has prepared the power of attorney dated 26.05.2005 based on the request of the third and fourth accused in favour of the first and fifth accused. Subsequently, on the request of the third accused, he prepared the cancellation of power of attorney deed dated 04.08.2009. Other than that, the petitioner has



not committed any offence and there is absolutely no material to show that the petitioner has either colluded with the other accused or that he made any unlawful gain in the transactions. However, he was arrayed as an accused along with the other accused. Therefore, he prayed for quashing of the proceedings in C.C. No.315 of 2022 on the file of the learned Judicial Magistrate, Special Court for exclusive trial of Land Grabbing Cases, Tiruppur as far as the petitioner is concerned.

5. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is a licensed document writer and based on the information given by the other accused, he prepared the documents without verifying about the impersonation done by the fourth accused.

6. The learned counsel appearing for the second respondent/*de facto* complainant submitted that on a perusal of records, the second respondent/*de facto* complainant finds no criminal intention on the part of the petitioner in preparing the documents and that the second respondent/*de facto* complainant has no objection in the proceedings being quashed against the petitioner who is a licensed document writer who has innocently prepared those documents.

7. Heard the learned counsel appearing on either side and also perused



the documents available on record.

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8. Admittedly, the petitioner is said to be a licenced document writer and he is also said to have prepared a document on the request of the other accused who have made unlawful gain in the transaction. There is absolutely no material to show that the petitioner either colluded with the accused or that he had gained anything unlawfully in the transaction. Further, it is also submitted by the second respondent/*de facto* complainant that the petitioner has no role in the illegality committed by the other accused who have fabricated and created the documents by impersonation.

9. In view of the above, this Court finds that the prosecution as against this petitioner would be nothing but an abuse of process of law and hence, the proceedings as against the petitioner is liable to be quashed.

10. At this juncture, the learned counsel appearing for the second respondent/*de facto* complainant submitted that the case which was originally taken on file by the learned Judicial Magistrate, Land Grabbing Cases, Tiruppur in C.C.No.315 of 2022 has now been transferred to the file of the learned Judicial Magistrate-I, Palladam and pending in C.C.No.191 of 2023 and a direction may be issued to the learned Judicial Magistrate-I, Palladam to dispose of the said case.



11. In view of the above, the proceedings in C.C. No.191 of 2023 on the file of the Judicial Magistrate No.I, Palladam, as against this petitioner is quashed.

12. Accordingly, this Criminal Original Petition stands allowed. Further, the learned Judicial Magistrate No.I, Palladam, is directed to dispose of C.C.No.191 of 2023 in respect of the other accused, as expeditiously as possible. Consequently, connected miscellaneous petitions are closed.

12-01-2026

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

SRM

To

1. The Judicial Magistrate for Land Grabbing Cases,
Tiruppur.
2. The Judicial Magistrate No.I,
Palladam.
3. The Inspector of Police,
Anti Land Grabbing Special Cell,
Tiruppur.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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