



CRL.R.C.No.1684 OF 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-02-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL RC No. 1684 of 2022

1. R.Chandrasekar
S/O. Late K.Rathinam,
No.136, G.V. Residency,
Sowripalayam Post,
Coimbatore 641 028.

2.C.Suganthi
W/O.R.Chandrasekar,
No.136, G.V. Residency,
Sowripalayam Post,
Coimbatore 641 028

3.Devadass
S/O. Veerappan
Site No.28(Part),
G.V.D.Residency, Perur,
Chettipalayam,
Coimbatore 641 010.

Petitioners/A1 to A3

Vs

The state rep by its
Inspector of Police,
R-2 Perur Police Station,
Coimbatore.
(Crime No.777 of 2011).

Respondent(s)



CRL.R.C.No.1684 OF 2022

Prayer: The Criminal Revision Petition filed under Sections 397 r/w 401 of Cr.P.C. praying to set aside the order passed by the III Additional District and Sessions Judge, Coimbatore in Crl.A.Nos.79 and 83 of 2019 in C.C.No.124 of 2013 for offence under Section 465 of Cr.P.C. on 20.07.2022.

For Petitioners : Mr.Ilayaraja Kandasamy
for Mr.M.Rajagopalakrishnan

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl. Side)
Assisted by
Ms.Harshana.T

For Defacto Complainant : Mr.S.Sivalinga Kesavan

ORDER

The petitioners/A1 to A3 were convicted by the trial Court in C.C.No.124 of 2013 by judgment dated 20.07.2022 for offence under Sections 420, 418 and 468 of I.P.C. and sentenced each to undergo one year rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo two months simple imprisonment for offence under Section 420 of I.P.C., sentenced each to undergo one year rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo two months simple imprisonment for offence under Section 418 of I.P.C. and sentenced each to undergo one year rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo two months simple imprisonment for offence under Section 468 of I.P.C. The sentences are directed to be run concurrently. Aggrieved against the said

2/22



conviction, the first and second petitioners/A1 & A2 preferred an appeal in Crl.A.No.79 of 2019 and the third petitioner/A3 preferred an appeal in Crl.A.No.83 of 2019 before the III Additional District and Sessions Court, Coimbatore. The learned Sessions Judge, by a common judgment dated 20.07.2022, allowed the appeal in part, modifying the conviction and sentence. The Lower Appellate Court found the petitioners not guilty for the offences under Sections 418, 420 and 468 of I.P.C. and acquitted them but convicted them for offence under Section 465 of I.P.C. and confirmed that earlier sentence of one year rigorous imprisonment and fine of Rs.2,000/-, in default, to undergo two months simple imprisonment for offence under Section 468 of I.P.C. is treated as sentence for offence under Section 465 of I.P.C. and modified the same as six months rigorous imprisonment and fine part remained unaltered. Aggrieved against the said conviction, the present revision filed.

2.(i) The defacto complainant/PW1 is working in a Multi National Company as Purchase Manager. During the year 2007, his father-in-law informed him that a vacant site owned by the first petitioner is available for sale and he introduced the first petitioner, who was running a shop at Perur, Pattishwarar Temple. PW1 met first petitioner, enquired with regard to vacant



site and the first petitioner agreed to sell 1863 square feet out of 2760 square feet of vacant site owned by him. PW1 visited the property and agreed to buy the same. On 04.12.2007 after perusing the title deeds, sale deed prepared by PW4 in his office. On the next day, PW1, PW2-father-in-law of PW1 went to the Joint Sub Registrar Office at Raja Veedhi for registration of sale deed. The first and second petitioners came there on that day, and a sum of Rs.1,88,000/- sale consideration handed over by PW1 to the first petitioner and the first and second petitioners executed sale deed, registered as Doc.No.5206 of 2007. After registration of sale deed, PW1 returned to Chennai and thereafter he had no time to visit Coimbatore frequently. Hence, he was unable to visit the site.

(ii) During May, 2011, when he visited his property, he found the property was enclosed by a compound wall, and an asbestos shed found inside. The defacto complainant/PW1 enquired the first petitioner about the shed and the first petitioner could not give any proper reply. Following the visit, third petitioner sent a notice to PW1 claiming that during 2006, he took possession of the vacant site purchased by PW1 for a lease for 10 years and monthly rent was fixed as Rs.1,000/- and it was paid to the first petitioner. Along with the notice, the third petitioner sent rent receipt copies, E.B.



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receipt copy, photographs of the property purchased by PW1 with compound wall, shed with electric connection. Further the copy of a plaint and injunction application filed by him sent. PW1 then only realised that he was deceived by first and second petitioners. A rental agreement entered with third petitioner was a created document, property encumbered with the intention to usurp PW1's property. Finding that petitioners 1 to 3/A1 to A3 all acting in tantum to grab the defacto complainant's property by using forged document, the defacto complainant lodged a complaint to Perur Police Station.

(iii) In this case, PW8 is the Sub Inspector of Police, who received the complaint from PW1, registered a case in Crime No.77 of 2011 for offence under Sections 420, 418 and 468 of I.P.C. During investigation, he examined PW2/father-in-law of PW1, attesting witness to the sale deed document. PW4-Document Writer confirming that on 04.12.2007, the first petitioner visited his office along with PW1 for preparation of sale deed with regard to a property at GVD Nagar in Perur, Chettipalayam to an extent of 1863 square feet. PW4 prepared the sale deed and was present during the registration of the document. PW3, the Inspector in Tamil Nadu Electricity Board confirmed that on 31.07.2018, he visited the house of first petitioner to record meter



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reading for Service Connection No.424 and also found a meter placed in the compound wall of the house. PW5, the stamp vendor and PW6, Joint Sub Registrar confirm that during 2012 to 2016 on the request of the Investigating Officer, issued a copy of sale deed in Doc.No.5206/2007 and PW7, Sub Registrar in the Registration department confirm, he registered the sale deed Doc.No.5206/2007-Ex.P1. The statement of witnesses recorded. The first petitioner was arrested and sent for remand. The second and third petitioners obtained Anticipatory Bail on 05.12.2011. After recording the statement of witnesses and collecting documents, charge sheet filed against petitioners for offence under Sections 420, 418, 468 and 342 of I.P.C.

3.During trial, on the side of prosecution PW1 to PW8 examined, Exs.P1 to P10 marked. On the side of the defence, DW1/District Registrar in the Registration department examined to prove Ex.P9 is the stamp vending register issued during the relevant period and through him Exs.D1 to D3 marked. On conclusion of trial, the trial Court convicted the accused and the Lower Appellate Court partly allowed the appeal by modifying the sentence as stated above.



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4.The contention of the learned counsel for petitioners is that the Courts below failed to note that the ingredients to constitute offence under Sections 420, 418 and 468 of I.P.C. not fulfilled by the materials produced by the prosecution. In this case, no false document created to attract Section 468 of I.P.C. and consequently no case made out to attract Section 420 of I.P.C. The Courts below failed to take note that only photostat copy of rental agreement marked as Ex.P3, which is not admissible in evidence. Hence, there is no materials to connect the third petitioner in this case. The Courts below failed to give definite finding whether there existed an asbestos shed in the property and the same was rented out to third petitioner. Further, there is no material to show that there was transfer of interest in the property in order to make out an offence of land grabbing. The arrest of the first petitioner/A1 is highly doubtful. In this case, the investigating officer neither visited the scene of occurrence nor prepared observation mahazar or rough sketch to confirm construction of asbestos shed. In this case, the defacto complainant produced only photostat copies of the document, which were marked as Exs.P1 to P8. The stamp vending register/Ex.P9 not produced by Investigating Officer along with the final report but PW1 produced Ex.P9 before the trial Court directly. How this document was collected by PW1 is highly doubtful. In this case, no original documents collected or recovered



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from any one. In Ex.P10/F.I.R., there is no reference to an anti-dated rental agreement at the time of registration of the case.

5.The learned counsel further submitted that the Courts below not considered the civil suit documents in O.S.No.414 of 2011 and the order passed in I.A.No.1243 of 2011 in O.S.No.414 of 2011. PW1 admitted the execution of Exs.D1 and D2 and there was a civil case pending. Thus in this case a civil dispute, given a criminal colour. Further, in Ex.D3, there is some erasure, which create doubt with regard to the particulars recorded in the register. In this case, there are no witnesses or materials to show that the petitioners created any documents. Hence, prayed to set aside the conviction.

6.The learned counsel for the defacto complainant strongly objected to the petitioners' contention and submitted that petitioners are A1 to A3 in C.C.No.124 of 2013. Petitioners 1 and 2 are husband and wife. The defacto complainant is employed in a Multi National Company and he was normally on tour. The defacto complainant's father-in-law informed that first and second petitioners/A1 & A2 owning a property to an extent of 2760 sq.ft. in S.Nos.97/1 and 97/2 at Perur, Chettipalayam village, which is a house site in GVD Nagar and they were willing to sell 1863 sq.ft of the said property and the defacto complainant negotiated with petitioners 1 and 2/A1 and A2 and

8/22



CRL.R.C.No.1684 OF 2022

purchased 1863 sq.ft. of land for a valid consideration and the sale deed was prepared by PW4/Document Writer on 04.12.2007. The stamp papers purchased from PW5, thereafter the sale deed registered as Doc.No.5206/2007 by PW7-SRO. Thereafter, the defacto complainant unable to visit the property due to his touring job. In the year 2011, when he visited his property, he was shocked to find the property sold to him was enclosed with a compound wall and an asbestos shed found inside the property with electric connection. After his visit to the property and enquiry with first and second petitioners, the third petitioner sent a legal notice, annexed with documents.

7.He further submitted that the third petitioner claimed that he is a tenant/lessee under the first and second petitioners. The defacto complainant questioned the first and second petitioners as to how encroachment created in his property, for which, the first and second petitioners threatened and stated that, if defacto complainant is aggrieved, he can file a civil suit. The third petitioner sent a legal notice along with the copy of rental agreement, rent receipt, EB receipt and photograph of the shed in the property. He also managed to file a civil suit during the vacation with false particulars, but confirming his claim as lessee of A1 and A2. Finding that all three petitioners



CRL.R.C.No.1684 OF 2022

joined together created forged documents, encroached and taken away the petitioner's property, PW1 lodged a complaint to PW8, who registered the F.I.R., confirmed the encroachment and called upon the petitioners to produce the documents in support of their claim, but petitioners were evading, could give no explanation. Thereafter, the first petitioner arrested in this case, who confessed of creation of forged document and encroaching the property, sold to the defacto complainant. The second and third petitioners obtained anticipatory bail, thereafter not participated in the investigation. The documents collected from Sub Registrar Office, the document writer, stamp vendor all examined and their statements recorded. PW2 is the father-in-law of PW1, who participated in the negotiation and a witness to the sale deed/Ex.P1. On conclusion of investigation, charge sheet filed. The trial Court finding all petitioners/accused created forged documents and encroached the defacto complainant's property using forged documents, convicted them. The Lower Appellate Court confirmed the conviction but with a modification. Hence, prayed to dismiss the revision.

8.The learned Government Advocate (Crl. Side) submitted that in this case PW1 is the defacto complainant, who lodged a complaint to PW8, who took up investigation, verified the documents submitted by the defacto



CRL.R.C.No.1684 OF 2022

complainant. Ex.P1 is the registered sale deed document in Doc.No.5206/2007 confirming first and second petitioners executed sale deed after receiving sale consideration. Thereafter first and second petitioners put up a compound wall in the defacto complainant's property, encumbered the same, encroached the property and put up asbestos shed, obtained EB connection and projected the third petitioner/A3 as a lessee to the property denying the rightful ownership and enjoyment of defacto complainant. During investigation, first petitioner was arrested, other accused enquired and documents collected from Registration Department. The statements of Stamp Vendor and Document Writer recorded, EB official confirms first and second petitioners approaching the Electricity department seeking for electricity power connection. Finding that petitioners 1 to 3 all joined together encroached the defacto complainant's property using forged documents, charge sheet filed in this case.

9.Considering the submissions made and on perusal of the material, it is seen that both the trial Court as well as Lower Appellate Court on the evidence of PW1 to PW8 and materials Exs.P1 to P9 found that the defacto complainant purchased the property from the first and second petitioners by way of registered sale deed, which is confirmed by PW7/SRO. PW2 is the



CRL.R.C.No.1684 OF 2022

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father-in-law of PW1, who participated in the negotiation for sale and also witness to the document. The Document Writer/PW4 confirms the preparation of document and his presence during the registration of the sale deed. PW5 is the stamp vendor. PW3 confirms that the first and second petitioners applied for electricity connection claiming that the subject property belongs to them. The Courts below found that first and second petitioners/A1 and A2 after sale of the property to the defacto complainant by Doc.No.5206 of 2007 have no right over the property. But encroached the property using third petitioner herein. The third petitioner/A3 sent a legal notice/Ex.P2 along with rental agreement, rent receipt, EB receipt and photograph of the shed in the property claiming that he is a tenant/lessee under first and second petitioners, which clearly confirms that it is an afterthought arrangement to justify the encroachment and attempt to usurp the defacto complainant's property. Admittedly, the documents are created to encumber, encroach the property and for illegal gain. Considering all these aspects, both the Courts rightly convicted the petitioners.

10.At this stage, the petitioners had come forward to remove the encroachment, hand over the vacant possession to the defacto complainant. The defacto complainant also agreed to the same. The same is recorded on 22.02.2026, which reads as follows:

12/22



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“Today, the 1st petitioner Mr.R.Chandrasekar and defacto complainant/PW1 Mr.Rajagopal are present before this Court.

2.Today the 1st petitioner, husband of 2nd petitioner and friend of 3rd petitioner filed affidavit confirming the physical possession of the property handed over to the defacto complainant Mr.Rajagopal. The photographs produced shows vacant property handing over to the defacto complainant after demolishing the available structure and removal of debris. Further the electricity connection disconnected and meter box, switch board removed.

3.Learned counsel for the defacto complainant and the defacto complainant confirms the above submissions. Learned counsel for the defacto complainant apprehends that since the defacto complainant is an absentee landlord who is residing in Chennai, he fears further threat and apprehension by some miscreants. The defacto complainant already took steps to survey the property through Taluk Surveyor, Perur, hence, he seeks early survey of the property with adequate Police protection.

4.It is reported that the 2nd petitioner is not well and the 3rd petitioner is convalescing after a surgery.

5.In view of the above, Taluk Surveyor, Perur to inspect and survey the subject property within three days from the date of application filed by the parties. On the date of survey, the respondent Police to give adequate Police protection. The learned Government Advocate (Crl. Side) to coordinate and give appropriate instructions to the respondent Police in this regard.

6.For appearance of all the petitioners and defacto complainant either physically or through virtual mode, list the matter on 06.02.2026.”



CRL.R.C.No.1684 OF 2022

11.Following the same, the petitioners filed an undertaking affidavit removing the encroachments and handing over vacant possession to the defacto complainant. A scanned reproduction of the affidavit reads as follows:

COMMON AFFIDAVIT FILED BY THE PETITIONERS

I, Mr.R.Chandrasekar, S/o. late K.Rathinam, Hindu aged about 61 years residing at No.136, G.V.Residency, Sowripalayam Post, Coimbatore-641028, and I sworn this affidavit on behalf of the other petitioners herein, and I do hereby solemnly affirm and sincerely state as follows:

1. We are the petitioners /Accused 1 to 3 in Crl.A.No.79/2019 and Crl.A.No.83 of 2019 on the file of IIIrd Additional District Judge, Coimbatore and as such we are well acquainted with the facts and circumstances of the case.
2. We submit that the defacto-complainant had lodged a complaint against us, on receipt of the complaint the respondent police has been registered the FIR for an offence punishable under section 418, 465, 468 of IPC. The final report was filed by the respondent police and the same was taken on file in C.C.No.124 of 2013 before the Judicial Magistrate No.1, Coimbatore. After recoding the evidence, the Judicial magistrate was passed sentence on 01.02.2019 against us.
3. We submit that, we aggrieved by the above said judgment, we prepared criminal appeal against in C.C.No.124 of 2013 before the IIIrd Additional District and session Judge at Coimbatore in Crl.A.No.79 of 2019 and Crl.A.No.83 of 2019, after detailed hearing the district court has been passed a

[Handwritten signatures]
V. Dhanraj



CRL.R.C.No.1684 OF 2022

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Judgment on 20.07.2022, that the appeal was allowed as partly and sentence was modified as six-month imprisonment with fine against the all the petitioners herein.

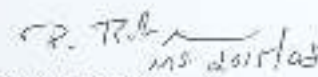
4. We submit that, we aggrieved by the above said judgment we filed a present revision petition in Crl.R.C.No.1684 of 2022 before this Hon'ble court. During the pendency of the case the Hon'ble court was issued the direction on 12.01.2026 is that to hand over the physical possession to the defacto-complainant and filed report. As per the direction by this Hon'ble court we handed over the physical possession to the defacto-complainant namely Mr.Rajagopalan on 20.01.2026, in pursuant to that we filed photos as well as report.

It is therefore humbly prayed that this Hon'ble court may be pleased to accept this affidavit along with photos and to pass such order or other orders as this Hon'ble court may deem fit and proper in the circumstances of the case and thus render Justice.


V. D. Senthil

Solemnly affirmed at Coimbatore,
Singed on this the 06th day February 2026
and signed his name in my presence.

BEFORE ME,


ADVOCATE, Coimbatore
No. 69/21st Floor, Ardhya, Vaidya, Coimbatore
Sengalpet, Coimbatore, 4g



WEB COPY 12. The defacto complainant now put in possession of the property, and he took over physical possession of the property and confirmed he is in enjoyment of the property. He filed an affidavit along with photographs, which is as follows:

“I S. Rajagopalan, son of R. Srinivasan, aged about 51 years, residing at 8/270, Ramanathan Nagar, Pillaiyar Koil Street, Pozhichalur, Chennai 600 074 do hereby solemnly affirm and sincerely state on oath as follows:

1) I am the De facto Complainant as such I am well acquainted with the facts of the case.

2) I had purchased a property to an extent of 1863 Sq feet, bearing Document No. 5206/2007 situated at GVD Nagar. Perur Chettipalayam village, Coimbatore 641 010, from the accused, R.Chandrasekar and C.Suganthi, way back on 05.12.2007. Immediately after the sale, the accused R.Chandrasekar and C.Suganthi along with one another person Devadass committed many criminal acts and grabbed my property, thereby denying me the possession and its enjoyment.

3) Subsequently, a complaint was lodged before Perur Police Station, and the case was filed before the Learned Judicial Magistrate-1 in CC No. 124/2013. After full-fledged trial, the Trial Court convicted all the three accused, namely R.Chandrasekar, C.Suganthi and Devadass. Aggrieved by the said conviction, the accused R.Chandrasekar, C.Suganthi and Devadass preferred an appeal before the Third Additional District Judge. The Honourable



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Court was pleased to dismiss their appeal and upheld the conviction. Subsequently, the accused preferred the present criminal revision before this Honourable Court.

4) I was present at the subject matter of the property at Coimbatore to get back the possession of the property on 19.01.2026 as per the direction of this Hon'ble Court. However, the Respondents, protested vehemently. Instead of handing over the possession, they demanded a sale of the property. I resisted the same with the support of police and requested them to oblige order of this Hon'ble Court.

5) After the intervention of the police, on 20.01.2026, the respondents complied the Order dated 12.01.2026 and handed over the physical possession of the property after demolishing the entire structure and disconnection of the electricity connection. However, due to preoccupation, the survey authorities from the revenue department could not be present to exactly survey the property. I have requested the survey department to survey the property, and they have assured to do it at the earliest.

I apprehend that the Respondents/Accused may disturb my peaceful possession and enjoyment of the property in future, as they still making demands to sell the property to them.

It is therefore prayed that this Honourable Court may be pleased to pass appropriate orders to protect my rights to enjoy subject property without any interference in future either by Respondents or their representatives except due process of law and pass such other orders as this Honourable Court may deem fit in the circumstances of the case and thus render justice.”



CRL.R.C.No.1684 OF 2022

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AFFIDAVIT OF THE DE FACTO COMPLAINANT, S. RAJAGOPALAN -

Photos of Vacant Land - 20-01-2026 @ 4:00 PM



Removal of Shed



Vacant Land - Front View

[Signature]

AFFIDAVIT OF THE DE FACTO COMPLAINANT, S. RAJAGOPALAN -

Photos of Vacant Land - 20-01-2026 @ 4:00 PM



Back End - Water line removed



Complete View - Vacant Land

[Signature]



CRL.R.C.No.1684 OF 2022

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AFFIDAVIT OF THE DE FACTO COMPLAINANT, S. RAJAGOPALAN -

Photos of Vacant Land - 20-01-2026 @ 4:00 PM



Vacant Land - Front View



Vacant Land - Front View

[Signature]

AFFIDAVIT OF THE DE FACTO COMPLAINANT, S. RAJAGOPALAN -
Photos of Vacant Land



Electricity Board - Removed



Handed over with support of police



Removal of Construction by JCB



[Signature]



CRL.R.C.No.1684 OF 2022

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13.Thus from the above, it is seen that the petitioners have now handed over vacant possession of the property to the defacto complainant/PW1 and the parties arrived at a compromise between them. Today, the defacto complainant, S.Rajagopalan and the first petitioner, R.Chandrasekar appeared before this Court in person. The second petitioner, C.Suganthi and third petitioner, Devadass appeared through virtual mode. All of them confirmed the compromise arrived between them. The property is now restored to the defacto complainant, who is in possession and enjoyment of the same. An undertaking given by the petitioners 1 to 3 that they will not encumber or create any disturbance or nuisance to the defacto complainant henceforth. In view of the above undertaking, this Court is inclined to set aside the conviction of the petitioners.

14.Accordingly, the judgment of conviction passed by the learned III Additional District and Sessions Judge, Coimbatore in Crl.A.Nos.79 and 83 of 2019 dated 20.07.2022 confirming the conviction order passed by the learned Judicial Magistrate No.I, Coimbatore in C.C.No.124 of 2013 dated 01.02.2019 are set aside and the revision petitioners are acquitted from the charge levelled against them. The fine amount paid, if any, shall be refunded. The bail bond executed, if any, shall stand cancelled.

20/22



CRL.R.C.No.1684 OF 2022

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15. Accordingly, the Criminal Revision Case is allowed.

06-02-2026

Index : Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order
rsi

To

- 1.The III Additional District and Sessions Judge,
Coimbatore.
- 2.The Judicial Magistrate No.I,
Coimbatore.
- 3.The Inspector of Police,
R-2 Perur Police Station,
Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.



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CRL.R.C.No.1684 OF 2022

M.NIRMAL KUMAR, J.

rsi

CRL.R.C.No.1684 OF 2022

06.02.2026