



CrI.O.P.No.29402 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2026

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

**CrI.O.P.No.29402 of 2022**

**and**

**CrI.M.P.Nos.18011 & 18015 of 2022**

Sheeba Ninan

.... Petitioner

Vs

Thomas Verghese

.... Respondent

**Prayer:** Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.629 of 2020 on the file of Judicial Magistrate No.III, Puducherry and quash the same as far as this petitioner is concerned.

For Petitioner : Mr.Thomas T Jacob

For Respondent : Mrs.V.Srimathi

### **ORDER**

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.629 of 2020, on the file of the Judicial Magistrate No.III, Puducherry.



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2. There are totally three accused in this case, in which the petitioner is arrayed as A2. She is none other than the wife of the first accused. The respondent lodged a complaint alleging that the petitioner, along with the other accused persons, had conspired together and created a fabricated and fictitious settlement deed by impersonating the deceased father of the respondent in respect of the property owned by him.

3. The learned counsel appearing for the petitioner would submit that the petitioner is no way connected to the settlement deed which was allegedly executed by the second and third accused in favour of the first accused by impersonating the father of the third accused. The first and third accused are brothers and their father had originally purchased the subject property. After his demise, the third accused allegedly impersonated his own father, since both names are one and the same and executed a settlement deed in favour of the first accused. In view of the settlement deed, the petitioner is neither beneficiary nor witness to the said documents and that she has been falsely implicated in the case on the ground that she is the wife of the first accused.

4. Per contra, the learned counsel appearing for the respondent submitted that the petitioner is none other than the wife of the first accused and she also



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conspired with the other accused in the act of impersonating the father of the respondent and executed a settlement deed in favour of the first accused.

Therefore, the Trial Court has rightly taken cognizance of the complaint and the same does not warrant any interference by this Court.

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

6.There are totally three accused in this case, in which the petitioner is arrayed as A2. The respondent lodged a complaint as against the accused alleging that the property, which was originally purchased by his father, has been settled in favour of the first accused by the third accused by impersonating the deceased father of the respondent. It is further alleged that the father of the respondent had died long back and by taking advantage of the similarity in names, the third accused impersonated the deceased father and executed a settlement deed in favour of the first accused in respect of the said property.

7.Initially the respondent lodged a complaint before the police and the same was closed. Therefore, the respondent filed a private complaint and the same has been taken cognizance by the Trial Court for the offences punishable under Sections 417, 420, 464, 465, 467, 468 and 471 of IPC in C.C.No. 629 of 3/6



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2020 Insofar the petitioner is concerned, she is neither beneficiary under the said settlement deed nor a witness to the document.

8. Even on a perusal of the complaint, it is seen that there are no specific allegations as against the petitioner in respect of the conspiracy and connivance. The only allegation is that all the accused had entered into a conspiracy to knock off the entire property. When there is no specific allegation made out as against the petitioner to attract the offences, the complaint filed as against the petitioner is clear abuse of process of law and it cannot be sustained as against the petitioner.

9. Accordingly, the proceedings in C.C.No.629 of 2020, on the file of Judicial Magistrate No.III, Puducherry, is hereby quashed as against the petitioner herein. The Trial Court is directed to proceed with the trial as against A1 and A3 in accordance with law. Further, the Trial Court is directed to dispose of the C.C.No.629 of 2020 within a period of six months from the date of receipt of a copy of this order. It is made clear that a Non Bailable Warrant is pending against A3 since he is abroad. Therefore, the Trial Court can split up the case and proceed with the trial as against the remaining accused.



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10.In the result, this Criminal Original Petition stands allowed.

Consequently, connected miscellaneous petitions are closed.

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Index:Yes/No

Internet:Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

To

The Judicial Magistrate No.III,  
Puducherry.



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**G.K.ILANTHIRAIYAN, J.**

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