



WEB COPY

CRL RC No. 2852 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 2852 of 2025

and

Crl.M.P.No.24622 of 2025

Gurunath

..Petitioner(s)

Vs

1. The State Rep By, The Inspector of Police
CCB-II, Team-VI,
Land Grabbing Investigation Wing-II,
Vepery,
Chennai.
Crime No.156 of 2024

2. S.Kanthimathi
*(R2 is suomotu impleaded as per the order of
this Court dated 02.01.2026 in Crl.RC.No.2852
of 2025)*

..Respondent(s)

Prayer: This criminal revision case is filed under Section 438 r/w. 442 of BNSS to call for the records and set aside the order dated 07th November 2025 in Crl.MP.No.9819 of 2025 in C.C.No.740 of 2025 on the file of the Metropolitan Magistrate for CCB and CBCID cases, Egmore, Chennai as against the petitioner/accused 3 and pass such further or other orders.

For Petitioner(s):

Mr.S.Sheik Ismail for Mr.P.N.Vignesh

For Respondent(s):

Mr.R.Vinoth Raja

Government Pleader (Crl.Side) for R1

M/s.S.Arumugam for R2

ORDER

The revision challenges the dismissal of the discharge petition filed by the petitioner who was arrayed as A3 in C.C.No.740 of 2025 filed for the offences



under Sections 409, 465, 468, 471, 109 r/w 120(B) of IPC.

WEB COPY

2. It is the case of the second respondent / de facto complainant that the second respondent had executed a power of attorney in favour of the A1 while obtaining a loan from A1 and A2; that the power of attorney was not meant for executing any sale deed; that in the year 2021, A1 and A2 in conspiracy with the petitioner who is a Doctor had obtained a forged life certificate and thus committed the aforesaid offences.

3. The petitioner sought for discharge before the trial Court, on the ground that there is no material to show that he had conspired with the other accused to grab the property of the de facto complainant or to commit any of the alleged offences; that he had issued the life certificate since an individual whose photo is affixed appeared before him and in any case, he can only be accused of negligence and not of any offence.

4. The trial Court dismissed the said petition on the ground that the signature in the life certificate varies from the signature in the sale deed; and that the petitioner ought to have verified the same before issuing the life certificate; and that the points raised by the petitioner cannot be decided in a discharge petition.



5. The learned counsel for the petitioner would submit that the petitioner has nothing to do with the dispute between the first and the second accused on the one hand and the de facto complainant on the other hand; and that the petitioner, therefore cannot be prosecuted for the offence of conspiracy with the other accused and the impugned order is liable to be set aside.

6. The learned counsel for the second respondent per contra submits that the signatures of the second respondent in the life certificate and the sale deed are different; that the Doctor had issued a life certificate without verifying as to whether it is the second respondent who had appeared before him and therefore he is guilty of the aforesaid offences and there is no infirmity in the impugned order.

7. It is seen that the petitioner is aged about 82 years. Admittedly, the power of attorney executed by the second respondent in favour of A1 and A2 has not been revoked till 2012. The Doctor is not expected to verify the signature in the sale deed with that which is affixed in the life certificate. According to the petitioner, he had issued a certificate to a person whose photo was affixed in the life certificate.

8. Even assuming that the Doctor did not take proper caution to verify if it is the second respondent who appeared before him while issuing the life



certificate, this Court is of the view that the petitioner can only be accused of negligence. He cannot be prosecuted for any offence, as the necessary criminal intent to prosecute the petitioner for the offences of conspiracy and forgery is absent. Therefore, this Court is inclined to set aside the impugned order and discharge the petitioner from the aforesaid offences.

9. However, it is made clear that the trial Court shall proceed with the other accused in accordance with law and shall not be influenced by any of the observation made in this order while considering the case of the other two accused.

10. With the above observation, this criminal revision petition stands allowed. Consequently, connected miscellaneous petition stands closed.

16-02-2026

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

rap

To



1. The State Rep By, The Inspector of Police
CCB-II, Team-VI,
Land Grabbing Investigation Wing-II,
Vepery,
Chennai.
Crime No.156 of 2024
2. The Metropolitan Magistrate for CCB and CBCID cases,
Egmore, Chennai.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY

CRL RC No. 2852 of 2



SUNDER MOHAN, J.

rap

CRL RC No. 2852 of 2025

16-02-2026