BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.02.2026

PRONOUNCED ON : 01.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).Nos.3917, 4089 and 2731 of 2025
and
Crl.M.P.(MD)Nos.2910, 1819 and 2736 of 2025

Crl.O.P.(MD).No.3917 of 2025

M.Palanikumar

... Petitioner/Accused

Vs.

1. The State of Tamilnadu,
   Rep by. the Inspector of Police,
   Central Crime Branch,
   Madurai District.
   Crime No.3 of 2024

.... Respondents / Complainant

2. Karthicksolaimalai .... Respondents / Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the Charge Sheet taken on file by the learned Judicial Magistrate No. I, Madurai, in C.C.No. 74/2025 and quash the same as illegal and void.

For Petitioners : Mr. C.Karthikeyan

For R-1 : Mr.M.Sakthi Kumar, Government Advocate (Crl. side)

For R-2 : Mr.R.Anand

Crl.O.P.(MD).No.4089 of 2025

1. S.Muruganandham

2. S.Velmurugan ... Petitioners/Accused

Vs.

1. The State of Tamilnadu,
   Rep by. the Inspector of Police,
   Central Crime Branch,
   Madurai District.
   Crime No.3 of 2024

.... Respondents / Complainant

2. Karthicksolaimalai .... Respondents / Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the Charge Sheet taken on file by the learned Judicial Magistrate No.I, Madurai in C.C. No. 74 of 2025 and quash the same as illegal and void.

For Petitioners	:	Mr. J.Mohamed Ashik Jaman
For R-1	:	Mr.M.Sakthi Kumar, Government Advocate (Crl. side)
For R-2	:	Mr.R.Anand

Crl.O.P.(MD).No.2731 of 2025

Manimekala @ Manimegalai ... Petitioner/Accused

Vs.

1. The State of Tamilnadu,
   Rep by. the Sub Inspector of Police,

CCB Unit II,
Madurai District.
Crime No.3 of 2024

.... Respondents / Complainant

2. Karthicksolaimalai .... Respondents / Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the charge sheet in C.C.No.74 of 2025 on the file of the Judicial Magistrate No.I, Madurai and quash the same in respect of the petitioner.

For Petitioners	:	Mr. C.Mayilvahana Rajendran
For R-1	:	Mr.M.Vaikkam Karunanithi, Government Advocate (Crl. side)
For R-2	:	Mr.R.Anand

COMMON ORDER

These Criminal Original Petitions, though filed by different accused, arise out of one and the same prosecution in Crime No.3 of 2024, culminating in C.C.No.74 of 2025 on the file of the learned Judicial Magistrate No.I, Madurai. Hence, they are taken up together and disposed of by this common order.

2. Crl.O.P.(MD) No.3917 of 2025 has been filed by Accused No. 6. Crl.O.P.(MD) No.2731 of 2025 has been filed by Accused No.16,

who was then serving as Village Administrative Officer. Crl.O.P.(MD) No.4089 of 2025 has been filed by Accused Nos.7 and 8.

3. The petitioners seek quashment of the proceedings in C.C.No.74 of 2025 for the offences punishable under Sections 120-B, 419, 465, 467, 468, 471 and 420 IPC, invoking the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Case of the Prosecution:

4. The case of the prosecution is that the second respondent/*de facto* complainant claims ownership and possession over the subject properties situated at Avaniyapuram Village, Madurai District. According to him, the properties originally belonged to his paternal grandmother, Parvathiammal, who had purchased the same under registered documents as early as in the years 1947 and 1948.

5. It is the further case of the prosecution that, after the demise of the original owner, the legal heirs obtained patta and,

pursuant to a family partition, the *de facto* complainant became entitled to the subject property and Patta No.3171 was issued in his favour.

6. According to the prosecution, Accused Nos.1 to 5, without any right, title or interest over the property, in collusion with certain revenue officials, fraudulently obtained patta in their names. It is alleged that unconnected documents were uploaded through online applications and that the revenue records were manipulated to create a false semblance of title.

7. The specific allegation against Accused No.16, the petitioner in Crl.O.P.(MD) No.2731 of 2025, is that while functioning as Village Administrative Officer, she recommended issuance of joint patta in favour of the accused persons, despite the documents relied upon by them being unconnected with the subject property.

8. It is further alleged that, after obtaining such fraudulent patta, Accused Nos.1, 3, 4 and 5 executed a release deed in favour of Accused No.2. Thereafter, Accused No.2 executed a General Power of

Attorney in favour of Accused No.6, the petitioner in Crl.O.P.(MD) No. 3917 of 2025. Acting upon the said Power of Attorney, Accused No.6 is alleged to have executed sale deeds in favour of Accused Nos.7 and 8, who are the petitioners in Crl.O.P.(MD) No.4089 of 2025.

9. The prosecution therefore alleges that all the accused, in conspiracy with each other, created forged and fabricated documents, obtained fraudulent patta, executed further documents and attempted to grab the property belonging to the *de facto* complainant.

10. On the complaint lodged by the second respondent, the first respondent police registered Crime No.3 of 2024 for offences under Sections 120-B, 419, 465, 467, 468, 471 and 420 IPC. After completion of investigation, final report was filed and the same was taken cognizance in C.C.No.74 of 2025.

Grounds for Quash:

11. The petitioner/A-6 contends that he was only a Power Agent and that he acted on the strength of the Power of Attorney

executed in his favour. According to him, he neither created any forged document nor participated in any fabrication of revenue records.

12. It is further contended by A-6 that, after registration of the FIR, he cancelled the sale deeds executed in favour of A-7 and A-8 and also cancelled the Power of Attorney standing in his favour. Such conduct, according to him, demonstrates his bona fides and negatives any criminal intention.

13. Accused Nos.7 and 8 contend that they are bona fide purchasers for value. They submit that they purchased the property from A-6 under registered sale deeds believing the documents to be genuine and that they had no knowledge of any alleged defect in the title of Accused Nos.1 to 5.

14. They further contend that they neither participated in the alleged fabrication of patta nor created any forged document. According to them, the mere fact of purchase under registered sale deeds cannot attract offences of forgery, cheating or conspiracy.

15. Accused No.16, the Village Administrative Officer, contends that the allegations against her arise only out of acts allegedly performed in discharge of official duty. It is therefore submitted that prior sanction under Section 218 BNSS is mandatory before taking cognizance and, in the absence of such sanction, the proceedings are vitiated.

16. The common ground urged by the petitioners is that the dispute is essentially civil and revenue in nature, pertaining to title, patta, survey numbers and revenue entries. It is submitted that revenue proceedings had already been initiated and that the criminal prosecution is a colourable attempt to convert a civil dispute into a criminal case.

17. Reliance is placed upon ***State of Haryana v. Bhajan Lal***[1]**, *Mohammed Ibrahim v. State of Bihar***[2] and other precedents to submit that continuation of the prosecution would amount to abuse of process of Court.

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1 1992 Supp(1) SCC 335
2 2009 (8) SCC 751

Submissions on either side:

18. The learned Senior Counsel appearing for A-6 submitted that the final report itself describes the petitioner as a broker and Power Agent. He would submit that A-6 did not fabricate any document and did not impersonate any person.

19. It was contended that the offences under Sections 465, 467, 468 and 471 IPC require the making of a false document or the knowing use of a forged document. In the absence of any material to show that A-6 created any false document, the prosecution for forgery cannot be sustained.

20. It was further submitted that the cancellation of the sale deeds and Power of Attorney clearly shows that A-6 did not intend to derive any wrongful gain. Therefore, the essential ingredients of Section 420 IPC are absent.

21. The learned counsel appearing for A-7 and A-8 submitted that they are purchasers from A-6 and that the prosecution is “riding a dead horse only to dismount him from crime.” It was submitted

that the sale deeds executed in their favour were subsequently cancelled and that they have not gained anything from the transaction.

22. According to A-7 and A-8, the allegations against them are purely inferential. There is no witness to speak about conspiracy and no material to show that they had prior knowledge of the alleged fraud.

23. The learned counsel appearing for A-16 submitted that the petitioner was a public servant and that the act complained of was integrally connected with her official functions as Village Administrative Officer. Hence, sanction under Section 218 BNSS was mandatory. It was further submitted that, at the highest, the allegations may indicate negligence or error in discharge of official duty, but not criminal conspiracy, forgery or cheating.

24. Per contra, the learned Government Advocate submitted that the final report has been filed only after thorough investigation and collection of materials. It was submitted that the accused had

acted in concert and had created a chain of documents to defeat the lawful title of the *de facto* complainant.

25. The learned counsel appearing for the *de facto* complainant submitted that this is not a mere civil dispute. According to him, unconnected documents were uploaded, patta was fraudulently obtained, release deeds were executed, Power of Attorney was created and sale deeds were brought into existence in a systematic manner. It was further submitted that A-6 cannot claim to be a bona fide Power Agent, as he was actively involved in the transaction and executed sale deeds in favour of A-7 and A-8 within a short span of time.

26. As regards A-7 and A-8, it was submitted that they were not innocent purchasers, but were part of the same land-grabbing arrangement. Their subsequent cancellation of documents, according to the respondents, was not voluntary but was done only pursuant to proceedings in the anticipatory bail petition.

27. With regard to A-16, it was submitted that the act of creating or facilitating fraudulent revenue entries cannot be treated as an act done in discharge of official duty. Therefore, sanction is not necessary.

28. The learned counsel for the *de facto* complainant relied upon ***Neeharika Infrastructure Private Limited v. State of Maharashtra***[3]**, *State of Odisha v. Pratima Mohanty***[4] and other decisions to submit that, once final report discloses a *prima facie* case, this Court cannot conduct a mini trial while exercising jurisdiction under Section 528 BNSS.

29. Heard the learned counsels on either side and carefully perused the materials available on record.

Point for Consideration:

30. The point that arises for consideration is whether the proceedings in C.C.No.74 of 2025 on the file of the learned Judicial Magistrate No.I, Madurai, are liable to be quashed insofar as the

3 AIR 2021 SC 1918
4 Crl.Appeal No.1455 – 1456 of 2021

petitioners/A-6, A-16 and A-7 & A-8 are concerned, in exercise of the inherent jurisdiction of this Court under Section 528 BNSS?

Analysis:

31. The power under Section 528 BNSS, corresponding to Section 482 Cr.P.C., is undoubtedly wide, but it is to be exercised with great caution. At the stage of quashment, this Court is not expected to appreciate evidence as though sitting in trial. The limited enquiry is whether the allegations in the final report and the materials accompanying the same, taken at their face value, disclose the commission of the offences alleged.

32. In a final-report quash matter, the Court is entitled to examine whether the basic ingredients of the offences are disclosed. However, it cannot weigh the probative value of the materials, test the defence documents in detail or decide disputed questions of fact.

33. The prosecution case in the present matter is not confined to a simple dispute over title. The allegation is that unconnected documents were uploaded, revenue entries were manipulated, patta

was obtained, release deed was executed, Power of Attorney was created and sale deeds were subsequently executed in favour of third parties. The transaction therefore consists of a chain of acts. Whether such acts were innocent, negligent, bona fide or conspiratorial is a matter which can be adjudicated only after evidence is let in.

34. Accused No.6 claims to be a mere Power Agent. However, the final report alleges that he was not a passive agent but an active participant in the transaction. The allegation is that after the fraudulent patta and release deed, the Power of Attorney was created in his favour and he thereafter executed sale deeds in favour of A-7 and A-8.

35. The contention that he did not create any forged document is a matter of defence. In a prosecution involving conspiracy, it is not necessary that every accused must have personally written or fabricated the document. Participation in the chain of fraudulent acts, with requisite knowledge and intention, may attract criminal liability depending upon the evidence.

36. The cancellation of the sale deeds and Power of Attorney may be a circumstance relied upon by A-6 to establish bona fides. However, the respondents contend that such cancellation was made only after the registration of the FIR and in connection with the anticipatory bail proceedings. Whether the cancellation was voluntary or compelled by circumstances is a question of fact. Therefore, at this stage, this Court cannot hold that no *prima facie* case is made out against A6.

37. Accused Nos.7 and 8 claim to be bona fide purchasers. Ordinarily, a bona fide purchaser who merely buys property under a registered sale deed, without knowledge of fraud, cannot be prosecuted for forgery or cheating merely because the vendor's title is subsequently disputed.

38. However, in the present case, the prosecution specifically alleges that A-7 and A-8 were not innocent purchasers but were part of a pre-arranged transaction. It is alleged that they were closely associated with A-6 and that the sale deeds were executed as part of

the larger conspiracy to create encumbrances over the *de facto* complainant's property.

39. Whether A-7 and A-8 had knowledge of the alleged fraud, whether they paid genuine consideration, whether they acted bona fide and whether they were victims of the transaction or participants in it, are all matters requiring evidence. Their subsequent cancellation of sale deeds may be relevant for trial, but by itself it cannot erase the allegations in the final report at the threshold. Hence, this Court is not inclined to quash the proceedings against A-7 and A-8 at this stage.

40. Accused No.16 stands on a slightly different footing, as she was admittedly serving as Village Administrative Officer. The question raised is whether sanction under Section 218 BNSS is mandatory.

41. The protection of sanction is intended to safeguard honest public servants from vexatious prosecution for acts done in discharge of official duty. However, the said protection cannot be

stretched to shield acts which are ex facie illegal, fraudulent or actuated by private interest. The test is not merely whether the accused was a public servant at the relevant time. The test is whether the act complained of had a reasonable nexus with the discharge of official duty.

42. In the present case, the allegation against A-16 is not merely that she committed an error while processing revenue records. The allegation is that she knowingly recommended fraudulent patta transfer by relying upon unconnected documents and thereby facilitated the creation of false revenue entries.

43. If the allegation were one of mere negligence or irregularity, the requirement of sanction may have assumed significance. But where the allegation is one of active participation in fraud, fabrication and conspiracy, the act cannot be treated as an act done in lawful discharge of official duty.

44. Therefore, at this stage, the absence of sanction under Section 218 BNSS cannot be a ground to quash the proceedings

against A-16. It is always open to A-16 to raise the issue of sanction before the trial Court at the appropriate stage, if the evidence so warrants.

45. Section 120-B IPC deals with criminal conspiracy. Conspiracy is seldom proved by direct evidence. It is generally inferred from circumstances, conduct of parties and the chain of events. In the present case, the prosecution alleges a continuous chain beginning with revenue manipulation and ending with execution of sale deeds. Hence, the allegation of conspiracy cannot be rejected at the threshold.

46. Section 419 IPC concerns cheating by personation. The applicability of this provision will depend upon the evidence regarding the manner in which applications were made and documents were uploaded. At this stage, it cannot be said that the allegation is wholly groundless.

47. Sections 465, 467 and 468 IPC relate to forgery and forgery for the purpose of cheating. The petitioners contend that they did not

create false documents. However, the prosecution alleges that the documents were created and used as part of a fraudulent transaction. Whether each petitioner had the requisite role and knowledge is a matter for trial.

48. Section 471 IPC deals with using as genuine a forged document. The gravamen of the allegation is that the accused persons used forged and fabricated documents to obtain patta and execute further transactions. Hence, the applicability of Section 471 IPC cannot be ruled out at this stage.

49. Section 420 IPC requires deception, dishonest inducement and delivery of property or alteration of valuable security. The prosecution alleges that the petitioners acted with dishonest intention to create documents over the property of the *de facto* complainant. Whether the said allegation is ultimately proved is a matter of evidence. Thus, the offences alleged cannot be held to be wholly absent on the face of the final report.

50. It is true that every dispute relating to title or patta cannot be criminalised. Criminal law should not be used as a weapon of pressure in purely civil disputes. Equally, it is well settled that the existence of a civil remedy is not a bar to criminal prosecution where the allegations disclose fraud, forgery, cheating or conspiracy.

51. In the present case, the prosecution does not merely allege rival title. It alleges fraudulent patta transfer, use of unconnected documents, creation of release deed, Power of Attorney and sale deeds, and active collusion among private persons and public officials. Therefore, this Court is unable to accept the contention that the prosecution is purely civil in nature.

52. The petitioners have relied upon the celebrated principles in ***State of Haryana v. Bhajan Lal***[5]. There can be no quarrel with the proposition that where the allegations do not disclose any offence or where the prosecution is manifestly attended with mala fides, this Court can quash the proceedings. However, the present case does not fall within the category where the allegations, even if accepted in

5 1992 Supp(1) SCC 335

entirety, do not disclose any offence. Nor can it be said, at this stage, that the prosecution is wholly malicious or inherently improbable.

53. Relying upon the judgment of the Hon'ble Supreme Court in ***Delhi Race Club (1940) Limited and others Vs. State of Uttar Pradesh and another***[6], the learned counsel for the petitioner submitted that the existence of mens rea, coupled with a dishonest intention to deceive or defraud from the very inception of the transaction, constitutes the foundational requirement for attracting offences under Sections 406 and 420 IPC, and that such essential ingredient is conspicuously absent in the present case.

54. Relying upon the judgment of the Hon'ble Supreme Court in ***Mohammed Ibrahim and others Vs. State of Bihar and another***[7], the learned counsel for the petitioners emphatically contended that the mere execution of a sale deed by a person purporting to convey a property as his own, despite lacking valid title thereto, would not amount to the making of a false document so as

6 (2024) 10 SCC 690
7 2009 (8) SCC 751

to constitute forgery, and therefore such an act, by itself, would not attract criminal liability.

55. However this court is of the considered opinion that, the materials collected during investigation disclose triable issues. The defence projected by the petitioners may ultimately succeed, but such defence cannot be adjudicated in a petition under Section 528 BNSS by conducting a mini trial.

Epilogue:

56. Land is not merely an item of property in this country; it is often the repository of lineage, livelihood and memory. Equally, criminal law is not to be converted into a convenient substitute for civil adjudication. The Court, therefore, must maintain a careful balance.

57. Where a dispute is purely civil, criminal proceedings must be interdicted. But where the allegation is not merely of rival claim, but of fabrication of documents, manipulation of revenue records and creation of encumbrances through a chain of allegedly

fraudulent acts, the Court must be slow to extinguish the prosecution at its threshold. The petitioners may have defences. Some of them may even be substantial. But the proper forum to test those defences, in the facts of this case, is the trial Court.

58. In the result, these Criminal Original Petitions are **dismissed**. The proceedings in C.C.No.74 of 2025 on the file of the learned Judicial Magistrate No.I, Madurai, shall proceed in accordance with law.

59. It is made clear that the observations made herein are only for the purpose of deciding these petitions under Section 528 BNSS and shall not influence the trial Court while appreciating the evidence independently. The petitioners are at liberty to raise all legally permissible grounds before the trial Court at the appropriate stage. Consequently, connected Criminal Miscellaneous Petitions are closed.

01.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

1.The Judicial Magistrate No. I,
Madurai.

2.The Inspector of Police,
Central Crime Branch,
Madurai District.

3.The Sub Inspector of Police,
CCB Unit II,
Madurai District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

L.VICTORIA GOWRI, J.

Sml

CRL OP(MD)Nos.3917, 4089 and 2731 of 2025

01.06.2026