



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.03.2026**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.5476 of 2026

and

Crl.MP(MD)No.5902 of 2026

P.S.K.Sivakumar

... Petitioner/ 1st Accused

Vs

1. The State of Tamilnadu
Rep. by the Inspector of Police,
District Crime Branch,
Tirunelveli District,
Tirunelveli.
Crime No.22/2008

...1st Respondent / Complainant

2. Mrs. Valsamma

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records of the impugned charge sheet in C.C.No.1120 of 2023, on the file of learned Judicial Magistrate No.I, Tirunelveli in Crime No.22 of 2008 on the file or the 1st respondent/complainant and quash the same as illegal as against the petitioner is concerned.

For Petitioner

: Mr. Suresh.R.M

For Respondents

: Mr. R.Meenakshi Sundaram
Additional Public Prosecutor for
R1



ORDER

WEB COPY

The present petition has been filed by the first accused in C.C.No.11 of 2025 on the file of the learned Judicial Magistrate No.I, Tirunelveli, seeking to quash the charge sheet wherein the petitioner has been charged with the offences under Sections 465, 467, 468, 419, 471, 420 r/w 419, 120 (b) of IPC (Corresponding Sections 336(2), 338, 336(3), 319(2), 340(2) and 318(4) of BNS Act, 2023).

2. A perusal of the charge sheet reveals that the defacto complainant is the owner of the property and the second accused is said to have created the power of attorney as if the defacto complainant has executed the same. Based upon the said Power Deed, the petitioner/first accused is said to have purchased the property. In the said sale deed A3 & A4 are the attestors.

3. According to the learned counsel appearing for the petitioner, he *bona fide* believed the power of attorney and, thereafter, purchased the property.

4. A perusal of the document No.6 and charge sheet reveals that a forensic report has been obtained with regard to the alleged forgery of the power of attorney. In the said circumstances, it would be a matter of trial whether the first accused is a *bona fide* purchaser or not.



WEB COPY

5. This Court does not find any merit in this petition and accordingly, the Criminal Original stands dismissed. Consequently, connected miscellaneous petition is closed.

17.03.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
dss

To

1. The Judicial Magistrate No.I,
Tirunelveli District, Tirunelveli.
- 2.The Inspector of Police,
District Crime Branch,
Tirunelveli District,
Tirunelveli.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



R.VIJAYAKUMAR, J.

dss

Crl.OP.(MD)No.5476 of 2026
and
Crl.MP(MD)No.5902 of 2026

17.03.2026