



Crl.OP(MD)No.5868 of 2025

WEB COPY

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.5868 and 15380 of 2025

and

Crl.M.P.(MD)No.12508 of 2025

Crl.O.P.(MD)No.5868 of 2025:

G. Gopala Muthu Krishnan

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep. by the Commissioner of Police,
Madurai City,
Madurai.
2. The Assistant Commissioner of Police,
City Crime Branch,
Madurai City,
Madurai.
3. The Inspector of Police,
CCB -1, Viswanathapuram,
Madurai City.
4. V.Revathi

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, directing the respondents 1 to 3 not to harass the



Crl.OP(MD)No.5868 of 2025

WEB COPY

petitioner, his son Vijayagopal and daughter in law Suganya in the guise of enquiry and desist them from enquiring into the alleged complaint of the 4th respondent by interfering in the civil dispute relating to the specific performance of sale.

For Petitioners : Mr. T.S.R.Venkatraman,
Senior counsel
For M/s.V.Janaki Devi

For R-1 to R-3 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)

For R-4 : Mr.G.Prabhu Rajadurai

Crl.O.P.(MD)No.15380 of 2025:

1.Vijayagopal

2.Suganya

3.G. Gopala Muthu Krishnan

... Petitioners

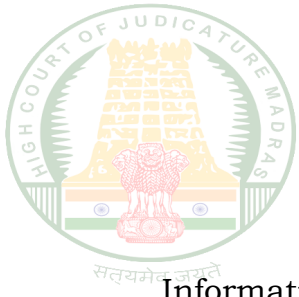
Vs.

1. The State of Tamilnadu,
Rep. by the Inspector of Police,
CCB -1, Viswanathapuram,
Madurai City.

2. V.Revathi

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the impugned First



Crl.OP(MD)No.5868 of 2025

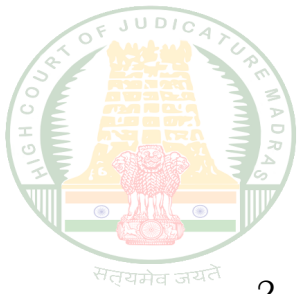
WEB COPY

Information Report in crime No.32 of 2025 on the file of the 1st respondent police dated 21.07.2025 and quash the same.

For Petitioners : Mr. T.S.R.Venkateraman,
For M/s.T.V.Lokanayaki
For R-1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)
For R-2 : Mr.G.Prabhu Rajadurai

ORDER

These two Criminal Original Petitions arise out of the same family property dispute, which has gradually travelled from the realm of civil litigation into the arena of criminal prosecution. The first petition in Crl.O.P.(MD) No.5868 of 2025 has been filed invoking Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking a direction restraining the respondent police from harassing the petitioners under the guise of enquiry. The second petition in Crl.O.P.(MD) No.15380 of 2025 has been filed seeking quashment of the FIR in Crime No.32 of 2025 registered for the alleged offences under Sections 465, 468 and 471 IPC.



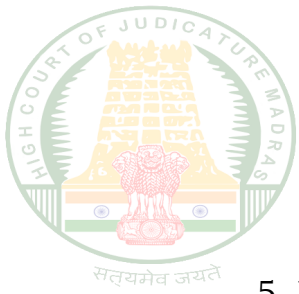
WEB COPY

2. The factual canvas reveals a deeply embittered dispute among close family members concerning immovable properties situated at Coimbatore and Tiruppur, alleged execution of sale agreements, receipt of substantial sale consideration, rival testamentary claims, and accusations of fabrication of documents. The dispute, though apparently clothed in civil features, has also generated allegations touching upon forgery and use of forged documents.

3. Since both the Criminal Original Petitions arise from the same transaction and involve overlapping factual and legal issues, they are taken up together and are disposed of by way of this common order.

Factual Background:

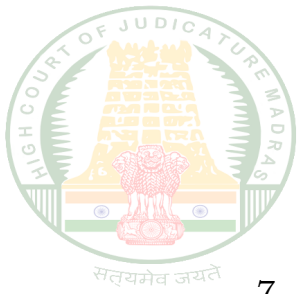
4. The petitioners and the *de facto* complainant are closely related. The first petitioner is the husband of the second petitioner. The second petitioner is the sister of one late Venkatesh Babu, husband of the *de facto* complainant.



WEB COPY

5. It is the case of the petitioners that the *de facto* complainant had executed a registered Power of Attorney in favour of her mother-in-law Kowsalya in respect of certain properties situated at Coimbatore and Tiruppur. Acting as power agent, Kowsalya allegedly entered into an agreement of sale dated 10.11.2021 in favour of the first petitioner and received a substantial sum of Rs.4.5 Crores towards sale consideration. According to the petitioners, only a balance amount of Rs.10 Lakhs remained payable.

6. The petitioners would further contend that a receipt dated 15.11.2021 acknowledging receipt of Rs.4.5 Crores was also executed through Kowsalya. Thereafter, Kowsalya died on 28.04.2022. According to the petitioners, after the death of Kowsalya, the *de facto* complainant resiled from the contractual obligations and refused to execute the sale deed. Consequently, the first petitioner issued a legal notice dated 23.01.2024 demanding specific performance and subsequently instituted O.S.No.763 of 2024 before the competent Civil Court at Tiruppur seeking specific performance of the agreement of sale.



Crl.OP(MD)No.5868 of 2025

WEB COPY

7. The *de facto* complainant, on the other hand, alleges that the petitioners fabricated the agreement of sale dated 10.11.2021, fabricated the receipt dated 15.11.2021 showing payment of Rs.4.5 Crores, and also created a forged Will dated 20.01.2022 as though Kowsalya had bequeathed certain properties in favour of the second petitioner. On the basis of the complaint lodged by the *de facto* complainant, the first respondent police registered FIR in Crime No. 32 of 2025 for offences under Sections 465, 468 and 471 IPC.

8. Challenging the repeated summons issued during enquiry, the petitioners had earlier approached this Court in W.P.(MD) Nos. 467 of 2025 and 1870 of 2025. By order dated 24.01.2025 in W.P. (MD) No.1870 of 2025, this Court directed the respondent police to first decide the issue of territorial jurisdiction and thereafter proceed with the enquiry.

9. Alleging that the police continued to summon the petitioners without first deciding the jurisdictional issue, Crl.O.P.(MD) No.5868 of 2025 came to be filed seeking protection against police



Crl.OP(MD)No.5868 of 2025

WEB COPY

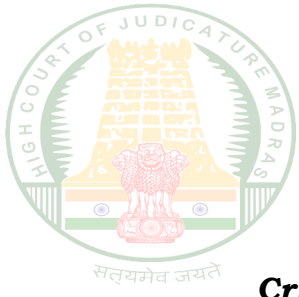
harassment. Subsequently, after registration of FIR in Crime No.32 of 2025, the petitioners filed Crl.O.P.(MD) No.15380 of 2025 seeking quashment of the FIR itself.

Crl.O.P.(MD) No.5868 of 2025:

Case of the petitioners:

10. The grievance of the petitioners is that the respondent police repeatedly summoned the petitioners, their relatives and witnesses under the guise of enquiry despite the earlier directions issued by this Court. It is contended that the entire dispute is purely civil in nature arising out of a sale agreement and rival property claims among close relatives.

11. The petitioners would submit that the respondent police acted beyond jurisdiction and continued enquiry without first determining territorial jurisdiction as specifically directed by this Court. According to the petitioners, the repeated summons issued to a 78-year-old senior citizen and his family members amounted to harassment and abuse of police power.



Crl.OP(MD)No.5868 of 2025

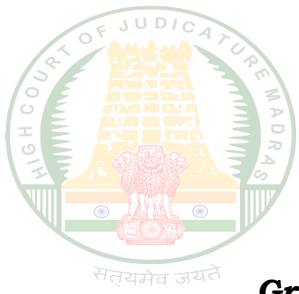
WEB COPY

Crl.O.P.(MD) No.15380 of 2025:

Case of the prosecution:

12. The gravamen of the prosecution case is that the petitioners forged and fabricated the agreement of sale dated 10.11.2021, the receipt dated 15.11.2021 for Rs.4.5 Crores, and a Will dated 20.01.2022 allegedly executed by Kowsalya.

13. According to the *de facto* complainant, no such amount was ever received by her and the receipt relied upon by the petitioners is a fabricated document. It is further alleged that the petitioners attempted to use the said forged documents as genuine in order to deprive the *de facto* complainant and her children of their lawful rights in the family properties. The FIR further alleges that the petitioners took away original title deeds and thereafter created false documents to support their claims over the properties.

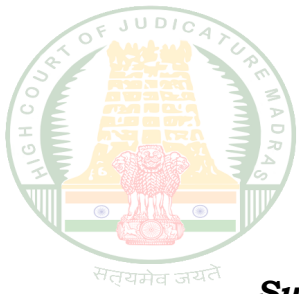


WEB COPY

Grounds for quash:

14. The principal ground urged by the petitioners is that the dispute is overwhelmingly civil in nature and that the criminal complaint has been lodged only as a counterblast to the pending suit for specific performance. It is further contended that the FIR is an afterthought lodged after institution of civil proceedings and after commencement of evidence in the civil suit. The petitioners would also contend that the respondent police lacked territorial jurisdiction since the agreement of sale was executed at Tiruppur and the properties are situated outside Madurai jurisdiction.

15. The petitioners further contend that the essential ingredients of Sections 465, 468 and 471 IPC are not made out even if the allegations are accepted at face value. According to the petitioners, the FIR contains only bald allegations of forgery without disclosing who forged the documents, when the forgery was committed, and in what manner the documents were fabricated.



WEB COPY

Submissions on either side:

16. The learned Senior Counsel appearing for the petitioners submitted that the Madurai police have repeatedly violated the earlier directions issued by this Court regarding territorial jurisdiction. The learned Senior Counsel would submit that the *de facto* complainant executed a valid Power of Attorney in favour of Kowsalya, pursuant to which the sale agreement was executed and substantial sale consideration was paid. It was further argued that the civil suit for specific performance is already pending before the competent Civil Court and the genuineness of the disputed documents can very well be adjudicated therein.

17. The learned Senior Counsel further submitted that the criminal complaint was lodged only after the petitioners instituted the civil suit and therefore the FIR is clearly mala fide and intended to pressurise the petitioners. The learned Senior Counsel also argued that the respondent police have no territorial jurisdiction and that registration of FIR itself is contrary to the earlier orders passed by this Court. It was additionally contended that the petitioners



Crl.OP(MD)No.5868 of 2025

WEB COPY

apprehend tampering of original documents if they are produced before the police.

18. The learned counsel appearing for the *de facto* complainant strongly opposed the petitions. It was submitted that the petitioners are attempting to portray a serious offence of forgery and fabrication as a mere civil dispute. The learned counsel would submit that the receipt dated 15.11.2021 itself shows Madurai as the place of execution and therefore the Madurai police possess territorial jurisdiction. It was further argued that the same witnesses allegedly appear in both the agreement and receipt and the suspicious circumstances surrounding the documents clearly necessitate forensic investigation.

19. The learned counsel further contended that the alleged payment of Rs.4.5 Crores in cash itself raises serious suspicion requiring thorough criminal investigation. According to the *de facto* complainant, merely because a civil suit is pending, the criminal investigation into allegations of forgery cannot be interdicted. It was further submitted that no coercive action has been taken against the



Crl.OP(MD)No.5868 of 2025

WEB COPY

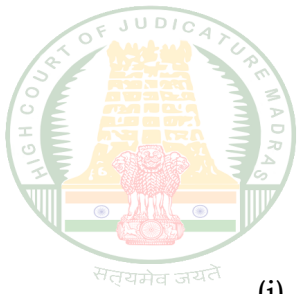
petitioners and that the petitioners have been filing repeated proceedings only to stall investigation.

20. The learned Additional Public Prosecutor submitted that the FIR has been registered on the basis of cognizable allegations disclosed in the complaint. It was submitted that the disputed receipt refers to Madurai and that certain original documents were allegedly taken away from the residence of the *de facto* complainant situated within Madurai jurisdiction. The learned Additional Public Prosecutor further submitted that investigation is at a nascent stage and that no grounds exist for quashing the FIR.

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

Points for consideration:

22. In light of the rival submissions, the following points arise for consideration:



Crl.OP(MD)No.5868 of 2025

WEB COPY

(i) Whether the dispute is purely civil in nature warranting interference under Section 528 BNSS?

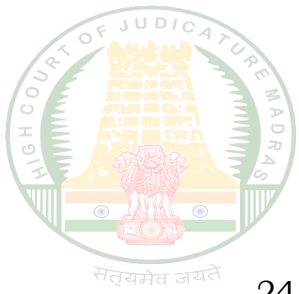
(ii) Whether the allegations in the FIR disclose the ingredients of offences under Sections 465, 468 and 471 IPC?

(iii) Whether the FIR is liable to be quashed on the ground of lack of territorial jurisdiction?

(iv) Whether the petitioners are entitled to protection against police harassment?

Analysis:

23. It is true that the dispute arises out of a family property transaction and that civil proceedings for specific performance are admittedly pending. Equally, it is well settled that mere pendency of civil proceedings does not by itself bar criminal prosecution if the allegations disclose commission of cognizable offences. The law is no longer *res integra* that civil and criminal proceedings may coexist where the allegations disclose distinct ingredients of criminal offences.



WEB COPY

24. The allegations in the present FIR are not confined merely to breach of contractual obligations. The *de facto* complainant specifically alleges fabrication of the agreement of sale, fabrication of the receipt for Rs.4.5 Crores, and fabrication of a Will. Allegations of forgery stand on an entirely different footing from mere breach of contract. The disputed questions relating to genuineness of signatures, execution of documents, preparation of documents, source of alleged cash consideration, and surrounding circumstances are all matters requiring investigation and possibly forensic examination. Therefore, this Court is unable to accept the broad contention that the dispute is purely civil in nature.

25. To attract Section 465 IPC, there must exist *prima facie* material suggesting making of a false document with intent to cause damage or support a claim. The *de facto* complainant specifically alleges that the agreement, receipt and Will were fabricated after the death of Kowsalya. Whether the documents are genuine or fabricated is ultimately a matter of evidence. However, at the FIR stage, the Court is not expected to conduct a mini-trial. The allegations, taken



CrI.OP(MD)No.5868 of 2025

WEB COPY

at face value, do disclose foundational allegations constituting forgery.

26. Section 468 IPC requires forgery coupled with intention that the forged document be used for cheating. The prosecution allegation is that the disputed documents were created to deprive the *de facto* complainant and her children of valuable property rights. The allegation that the documents were used in support of civil claims *prima facie* attracts the ingredients necessary for investigation under Section 468 IPC.

27. The petitioners admittedly rely upon the disputed documents in the civil proceedings. If ultimately the documents are found to be forged, their use in judicial proceedings may attract Section 471 IPC. At this preliminary stage, the Court cannot conclusively determine the genuineness or otherwise of the documents.

28. The petitioners laid considerable emphasis on territorial jurisdiction. This Court had earlier directed the respondent police to



WEB COPY

first determine jurisdiction before proceeding further. However, the FIR itself refers to allegations relating to Madurai, including the alleged execution of the receipt at Madurai and alleged removal of documents from the residence of the *de facto* complainant situated within Madurai jurisdiction.

29. At the stage of registration of FIR, if part of the cause of action arises within jurisdiction, the police cannot be said to be wholly lacking jurisdiction. Questions regarding exact territorial jurisdiction may ultimately be examined during investigation and, if necessary, during trial. Territorial jurisdiction at the stage of FIR cannot ordinarily furnish a ground for quashing unless total absence of jurisdiction is demonstrated on the face of the record. Such absolute absence is not made out in the present case.

30. The inherent jurisdiction of this Court under Section 528 BNSS is undoubtedly wide. However, such jurisdiction must be exercised sparingly, carefully and with circumspection. The celebrated principles laid down in ***State of Haryana v. Bhajan Lal***¹

¹ 1992 Supp(1) SCC 335



WEB COPY

continue to guide the exercise of inherent powers. Quashing at the threshold is justified only where the allegations do not disclose any offence, are absurd on their face, or where prosecution is manifestly attended with mala fides. In the present case, though civil proceedings are pending, the allegations of forgery cannot be brushed aside as inherently absurd or impossible. This Court is therefore not inclined to quash the FIR at the threshold.

31. Nevertheless, this Court finds some substance in the grievance of the petitioners regarding repeated summons and excessive enquiry. The petitioners include elderly persons and close family members. The police undoubtedly possess authority to investigate cognizable offences. However, investigation cannot degenerate into needless harassment.

32. The power to summon witnesses and accused must be exercised reasonably and strictly in accordance with law. The respondent police are therefore required to conduct the investigation in a fair, impartial and legally regulated manner without unnecessary intimidation. Family disputes involving valuable



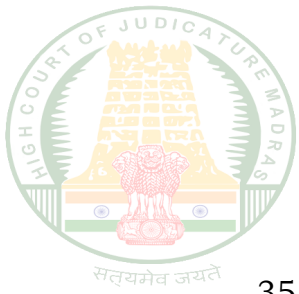
Crl.OP(MD)No.5868 of 2025

WEB COPY

immovable properties often travel beyond the boundaries of civil adjudication and assume criminal overtones. Equally, criminal law cannot be permitted to become either an instrument of oppression or a shield against legitimate investigation.

33. The present case reflects a fractured family relationship entangled with competing claims over property, money and inheritance. The truthfulness or falsity of the disputed documents can emerge only through proper investigation and adjudication based on scientific evidence and oral testimony. At this stage, this Court cannot render a definitive pronouncement upon the genuineness of the agreement, receipt or Will. Such determination lies within the domain of investigation and, if necessary, trial.

34. The constitutional duty of this Court is therefore to maintain equilibrium between the legitimate right of investigation and the equally important protection of citizens against arbitrary police action.



CrI.OP(MD)No.5868 of 2025

WEB COPY

35. In the result:

(i) CrI.O.P.(MD) No.15380 of 2025 seeking quashment of FIR in Crime No.32 of 2025 is dismissed.

(ii) CrI.O.P.(MD) No.5868 of 2025 is disposed of with the following directions:

(a) The respondent police shall conduct investigation strictly in accordance with law;

(b) The respondent police shall avoid unnecessary repeated summons to the petitioners, particularly elderly persons;

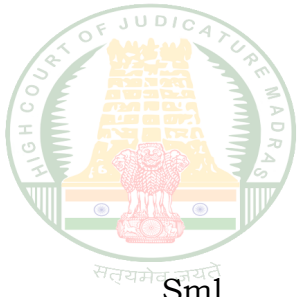
(c) Summons, if any, shall be issued only in accordance with the procedure contemplated under law;

(d) No coercive action shall be taken except in accordance with law and only if necessitated by the course of investigation;

(e) The investigation shall be conducted fairly, impartially and uninfluenced by the pendency of civil proceedings. Consequently, connected miscellaneous petition is closed.

01.06.2026

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



Crl.OP(MD)No.5868 of 2025

Sml
WEB COPY

To

1. The Commissioner of Police,
Madurai City,
Madurai.
2. The Assistant Commissioner of Police,
City Crime Branch,
Madurai City,
Madurai.
3. The Inspector of Police,
CCB -1, Viswanathapuram,
Madurai City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

20/21



WEB COPY



CrI.OP(MD)No.5868 of 2025

L.VICTORIA GOWRI, J.

Sml

CRL OP(MD)Nos.5868 and 15380 of 2025

01.06.2026