



Crl.OP(MD)No.18716 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 27.02.2026**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**Crl.O.P.(MD).No.18716 of 2024**

**and**

**Crl.M.P.(MD)No.11616 of 2024**

1. R.V.S.Veeramani

2. V.P.Sankar

3. N.Selvaraj

... Petitioner/Accused No.

**Vs.**

1. The State of Tamil Nadu,  
Rep . by the Inspector of Police,  
Anti-Land Grabbing Special Wing,  
District Crime Branch,  
Trichy District.

2.State of Tamil Nadu,  
Rep. by The Inspector of Police,  
District Crime Branch,  
Trichy District.  
(Cr.No.8 of 2014).

.... Respondents / Complainant

3. R.Varatharajan

... Respondent /  
*De-facto* Complainant

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



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Sheet in C.C.No.74/2024 on the file of the learned Judicial Magistrate, Manapparai, and quash the same as illegal in so far as the petitioners are concerned.

For Petitioners : Mr.B.Prasanna Vinoth  
For R-1 & R-2 : Mr.B.Thanga Aravindh,  
Government Advocate (Crl. side)  
For R-3 : Mr.J.Lawrence

**ORDER**

***Preface:***

This Criminal Original Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 of the Code of Criminal Procedure, 1973), seeking to call for the records relating to the charge sheet in C.C.No.74 of 2024 on the file of the learned Judicial Magistrate, Manapparai, and to quash the same insofar as the petitioners are concerned.

2. The charge sheet arises out of Crime No.8 of 2014 and alleges commission of offences under Sections 120(b), 420, 423, 468, 471, 294(b) and 506(i) IPC.



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3. The controversy emanates from a long-standing factional dispute between two groups claiming to represent “Naidu Mahajana Sangam” in respect of a commercial complex bearing Door Nos.5A to 5F situated at Mariamman Kovil Street, Manapparai.

***Case of the prosecution:***

4. The case of the prosecution, as reflected in the final report, is that the 3<sup>rd</sup> respondent claims to be the President of “Manapparai Naidu Mahajana Sangam,” and that the subject property is a community property originally functioning as a Bhajanai Madam and later developed into a commercial complex with community funds.

5. It is alleged that after the demise of Thiru. R. Veerasamy, who was the earlier President of the Sangam, the first petitioner, in collusion with his mother (who allegedly held a position in the Manapparai Municipality during the relevant period), produced legal heirship and “no objection” documents before the municipal and revenue authorities as though the property was private/family property.



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6. According to the prosecution, by projecting the property as private property, the petitioners dishonestly secured mutation entries and thereafter dealt with tenants and rental advances. On the basis of these allegations, the police filed the impugned charge sheet.

***Case of the petitioners:***

7. The petitioners contend that the entire dispute is civil in nature and arises from rivalry between two factions claiming management of the same Sangam. It is submitted that the property has always stood in the name of “Naidu Mahajana Sangam,” and that after the demise of Thiru. Veerasamy on 27.11.2010, only the name of the President was substituted in municipal and revenue records.

8. The petitioners rely upon the decree in O.S.No.99 of 1995 on the file of the learned Principal District Munsif Court, Manapparai, wherein the subject property was declared to belong absolutely to “Naidu Mahajana Sangam,” represented by its President Thiru. Veerasamy.



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9. It is further contended that no ownership column was altered; no title deed was forged; no conveyance was executed; and no document transferring ownership to any individual has been produced. The petitioners also point out that the building tax receipts issued after 2011 continue to reflect “President, Naidu Mahajana Sangam,” thereby demonstrating that the ownership remained with the Sangam. With respect to Sections 294(b) and 506(i) IPC, it is contended that the allegations are vague, no specific abusive words are mentioned, no public place element is shown, and no specific threat is described.

***Submissions of the 3<sup>rd</sup> respondent:***

10. The 3<sup>rd</sup> respondent contends that the Sangam was originally unregistered and later registered in 2010 as “Manapparai Naidu Mahajana Sangam.” It is alleged that the petitioners used legal heirship documents and affidavits from family members to create an impression that the property belonged to the family of the first petitioner. It is further alleged that rental advances were collected and misappropriated. According to the 3<sup>rd</sup> respondent, the materials



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collected during investigation disclose a *prima facie* case requiring trial.

***Submissions of the State:***

11. The learned Government Advocate (Crl. Side) submits that the investigation is complete, statements of witnesses have been recorded, and documents have been collected. It is contended that disputed questions of fact cannot be adjudicated in a petition under Section 528 BNSS.

***Point for Consideration:***

12. The point for consideration is whether the materials placed along with the charge sheet, even if accepted at face value, disclose the commission of the alleged offences, or whether continuation of proceedings would amount to abuse of process warranting interference under Section 528 BNSS.

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



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**Analysis:**

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14. The inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 of the Code of Criminal Procedure, 1973) is intended to prevent abuse of the process of law and to secure the ends of justice. While exercising such jurisdiction at the stage of considering a prayer for quashing of a final report, neither the Court does undertake a mini-trial nor it does assess the probative value of the materials collected, nor does it adjudicate upon seriously disputed questions of fact.

15. However, where the allegations, on a plain reading of the First Information Report and the charge sheet, unmistakably disclose a vexatious, frivolous, or mala fide prosecution, the Court is not denuded of its power. In such cases, the Court is duty-bound to examine the materials in their proper context, to read between the lines of the allegations, and to discern whether the criminal process has been set in motion for oblique or ulterior purposes. The Court may look into the surrounding circumstances emerging from the record, not to weigh evidence, but to ascertain whether the



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continuation of proceedings would amount to a manifest abuse of process warranting interference. If the substratum of the dispute is purely civil and the criminal law has been invoked to exert pressure in a civil contest, the Court would be justified in exercising its inherent powers.

16. The principal contention advanced on behalf of the petitioners is that the subject property admittedly stands in the name of “Naidu Mahajana Sangam” and that the only alteration effected subsequent to the demise of the then President was a substitution of the name of the office-bearer representing the Sangam. According to the petitioners, a mere change in the name of the President, without any alteration in the ownership column reflecting the Sangam as the owner, cannot, by itself, constitute the offences of forgery or cheating. However, the gravamen of the prosecution case, as projected by the *defacto* complainant and reflected in the counter affidavit as well as the materials collected during the investigation, is not confined to the narrow question as to “who is the President.”



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17. The allegation is that certain entries before the municipal and revenue authorities were procured by producing documents such as legal heirship or succession certificates and “no objection” statements from family members, thereby allegedly creating an impression that the property partakes the character of private or family property, and that, on such footing, the property was dealt with vis-à-vis tenants and rental income. The petitioners would contend that such documents were furnished only for the limited administrative purpose of mutating the name of the office-bearer representing the Sangam, consequent upon the death of the previous President, and not with any intention to assert private title or to appropriate the property as personal property. Whether such explanation is acceptable or otherwise necessarily involves appreciation of evidence, examination of the applications submitted to the authorities, scrutiny of the supporting documents produced, examination of the officials concerned, and evaluation of the surrounding circumstances.

18. It is pertinent to note that in O.S.No.99 of 1995 on the file of the learned Principal District Munsif Court, Manapparai, it has been



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declared that the property bearing Door Nos.5A, 5B, 5C, 5D, 5E and 5F comprised in T.S.No.76, Ward No.3, Mariammal Kovil Street, Manapparai Town, is the absolute property of “Naidu Mahajana Sangam,” represented by its then President, Thiru. Veerasamy. Consequent thereto, the patta stood in the name of “Naidu Mahajana Sangam,” represented by its President Thiru. Veerasamy. Thiru. Veerasamy admittedly passed away on 27.11.2010. Even according to the *defacto* complainant, as reflected in the F.I.R. and the charge sheet, upon the demise of Thiru. Veerasamy, his son Thiru. Veeramani, the first petitioner herein, stepped into the position of President and assumed the administration of the affairs of “Naidu Mahajana Sangam.”

19. The materials placed on record indicate that, after the demise of Thiru. Veerasamy, the petitioners made necessary applications before the municipal and revenue authorities seeking substitution of the name of the deceased President with that of Thiru. Veeramani, in his capacity as President of the Sangam, on 31.05.2011. The building tax receipts issued by the Manapparai Municipality reveal that the assessment continued in the name of



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“President, Naidu Mahajana Sangam” on various dates, including 19.09.2011, 15.03.2016, 13.11.2016, 13.03.2018 and 25.03.2019.

These documents, on their face, do not reflect any change in the ownership column from the Sangam to any individual.

20. It is also brought to the notice of this Court that another society under the name “Manapparai Naidu Mahajana Sangam,” bearing Registration No.47 of 2010, came to be registered on 03.03.2010 under the Tamil Nadu Societies Registration Act, 1975, by Thiru. V.P. Sankar, Thiru. Varatharajan and others. One of the office-bearers of the said registered society, namely Thiru. Varatharajan, filed W.P.(MD)No.1869 of 2014 seeking a direction to the Commissioner, Manapparai Municipality, to alter the property tax assessment and Town Survey Register entries in respect of the very same properties by removing the name of the first petitioner. By order dated 20.03.2017, this Court closed the said writ petition, granting liberty to work out the remedy before the competent civil Court, upon recording the submission that a civil suit had already been instituted.



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21. Further, another civil suit in O.S.No.262 of 2020 has been instituted before the learned Subordinate Judge's Court by the first petitioner, representing "Naidu Mahajana Sangam" as its President, against "Manapparai Naidu Mahajana Sangam," represented by Thiru.V.P. Sankar and others, in respect of the very same subject properties. The said civil suit is stated to be pending adjudication. It is in the backdrop of these parallel civil proceedings and factional claims between two entities bearing similar nomenclature that the present quash petition has emerged, at the instance of the *defacto* complainant representing the rival "Manapparai Naidu Mahajana Sangam" faction.

22. The above facts on discernment would throw light on the facts that: (i) There is no material to show that the ownership column was altered from the Sangam to any individual. (ii) The municipal tax receipts produced reveal that the assessment continued in the name of "President, Naidu Mahajana Sangam" even after the demise of Thiru. Veerasamy. (iii) The materials relied upon in the charge sheet do not demonstrate that the property stood mutated in the name of the first petitioner as owner. (iv) Mutation entries, even assuming



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irregularity, do not confer title, but they are revenue records for fiscal purposes. (v) The core of the dispute appears to be whether the first petitioner was legitimately functioning as President of the Sangam, an issue presently pending in civil proceedings including O.S.No.262 of 2020.

23. For an offence under Section 468 IPC, there must be forgery for the purpose of cheating. For Section 471 IPC, there must be use of a forged document as genuine. The charge sheet does not disclose any forged title deed or fabricated conveyance altering ownership. Production of legal heirship documents for substitution of President's name does not, by itself, amount to making a "false document" within the meaning of Section 464 IPC. In the absence of a forged document altering title, the essential ingredients of Sections 468 and 471 IPC are not attracted.

24. For Section 420 IPC, there must be dishonest inducement leading to delivery of property. The charge sheet does not demonstrate that any person was induced to part with property on the basis of a forged representation of ownership. Section 423 IPC



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requires fraudulent execution of transfer. No such transfer document is shown. At best, the allegations indicate internal disputes regarding management and collection of rent matters amenable to civil adjudication.

25. Conspiracy presupposes an agreement to commit an illegal act. When the foundational offences themselves are not *prima facie* made out, the allegation of conspiracy cannot independently survive.

26. The charge sheet does not specify the exact obscene words allegedly uttered. There is no material to show that the occurrence took place in a public place. There is no clear description of threat sufficient to attract Section 506(i) IPC. These allegations are vague and omnibus.

27. W.P.(MD) No.1869 of 2014 filed by the 3<sup>rd</sup> respondent faction was closed granting liberty to approach Civil Court. O.S.No.262 of 2020 is pending between the rival Sangams concerning the very same property. The dispute concerns control and representation of the Sangam and its property, matters squarely within the domain of



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Civil Courts. The criminal prosecution appears to be a continuation of the factional rivalry. Allowing the criminal proceedings to continue would amount to permitting the criminal process to be used as a weapon in a civil dispute.

28. Upon a careful examination of the materials in the charge sheet, this Court is of the considered view that the essential ingredients of the offences alleged are not disclosed. The substratum of the dispute is civil in nature, and the invocation of criminal law in the present case amounts to abuse of process.

29. The Criminal Original Petition is allowed. The proceedings in C.C.No.74 of 2024 on the file of the learned Judicial Magistrate, Manapparai, are hereby quashed insofar as the petitioners are concerned. Consequently, connected miscellaneous petitions are closed. It is made clear that the observations made herein are confined to the criminal proceedings and shall not influence the pending civil proceedings.

**27.02.2026**

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



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To

- 1.The Judicial Magistrate,  
Manapparai.
- 2.The Inspector of Police,  
Anti-Land Grabbing Special Wing,  
District Crime Branch,  
Trichy District.
- 3.The Inspector of Police,  
District Crime Branch,  
Trichy District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**L.VICTORIA GOWRI, J.**

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