



Crl.OP(MD)No.16992 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD)No.16992 of 2025

and

Crl.M.P.(MD)Nos.13814 and 13816 of 2025

Genga Devi

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Anti Land Grabbing Special Cell,
Ramanathapuram District,
Ramanathapuram.
(Crime No.21 of 2012)

2. Sambath

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in C.C.No.464 of 2023 on the file of the learned Judicial Magistrate No.II, Ramanathapuram District and quash the same.

For Petitioner : Mr.R.Murugaboopathy

For R-1 : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

For R-2 : No appearance



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ORDER

Preface:

This Criminal Original Petition has been filed invoking the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashment of the proceedings in C.C.No.464 of 2023 pending on the file of the learned Judicial Magistrate No.II, Ramanathapuram District.

2. The petitioner is arrayed as A3 in the said calendar case. It is brought to the notice of this Court that A1 and A2 have since died and the prosecution, as against them, stands abated. The petitioner alone now faces prosecution for the offences under Sections 465, 467, 468, 471, 420 and 120(b) IPC.

3. The grievance of the petitioner is that the dispute, which is essentially civil in character and revolves around competing claims over a small extent of immovable property and the validity of title documents, has been unnecessarily given a criminal colour and that



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the continuance of the prosecution against the petitioner would amount to an abuse of process of Court.

Case of the Prosecution:

4. The prosecution case, in brief, is that the second respondent lodged a complaint before the first respondent police alleging that the petitioner and two others had unlawfully grabbed an extent of 275 square feet of land belonging to one Jeyaram, who claims title through a document bearing No.948 of 2006 registered on the file of the Abiramam Sub-Registry.

5. Based on the said complaint, a case in Crime No.21 of 2012 came to be registered on 17.11.2012 for the offences under Sections 465, 467, 468, 471, 420 and 120-B IPC. Upon completion of investigation, a final report was laid. The case was originally taken on file by the learned Special Judicial Magistrate for Anti Land Grabbing Cases, Ramanathapuram, and subsequently transferred to the file of the learned Judicial Magistrate No.II, Ramanathapuram and renumbered as C.C.No.464 of 2023.



6. According to the prosecution, the subject property originally belonged to one Dhanushkodi Mudhaliyar. He is said to have settled the property in favour of his wife, Sivapaakiyammal, who in turn settled the property in favour of her son, Rajendran. The said Rajendran is stated to have sold portions of the property, namely 2295 square feet in favour of one Chandrika and 660 square feet in favour of the petitioner. Chandrika, in turn, sold the property purchased by her to Jeyaram. Jeyaram thereafter executed a power of attorney in favour of the second respondent.

7. The further case of the prosecution is that, after the death of Rajendran on 30.12.2002, his wife Balammal, who has been arrayed as A1, executed a sale deed in respect of 672 square feet in favour of Muthuramalingam, who has been arrayed as A2, and A2 in turn executed a sale deed in favour of the petitioner / A3 under document dated 16.11.2010. According to the prosecution, this later chain of documents is forged and fabricated and the petitioner is in possession of the property only on the strength of such forged sale deed.



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Grounds for quash:

8. The learned counsel appearing for the petitioner would submit that the entire prosecution springs from a long-standing property dispute and that the substratum of the complaint is purely civil in nature.

9. It is the specific stand of the petitioner that the dispute had already been made the subject matter of civil proceedings in O.S.No. 6 of 2010 on the file of the learned District Munsif-cum-Judicial Magistrate, Kamuthi. It is further contended that once the parties are asserting rival title claims based on competing documents and possession, the appropriate forum to adjudicate the same is only the civil Court.

10. The learned counsel would further submit that the petitioner is only a purchaser under a registered sale deed and there are no specific allegations or materials to show that the petitioner herself fabricated any document, forged any signature, impersonated any person or actively participated in any conspiracy.



11. The further submission of the learned counsel for the petitioner is that the complaint has been lodged only after the petitioner attempted to put up construction in the property said to be in her possession and that the *de facto* complainant, who is only a power agent and an Advocate, has set the criminal law in motion in order to overawe the petitioner in what is essentially a civil title dispute.

12. The learned counsel also pointed out that the suit in O.S.No.6 of 2010 came to be dismissed for non-prosecution on 20.02.2023 and that if at all the second respondent or his principal has any surviving grievance in respect of title, possession or encroachment, the remedy lies only before the competent civil Court.

Arguments on either side:

13. The learned counsel for the petitioner would submit that the ingredients of the offences alleged, particularly cheating, forgery and use of forged documents, are not made out as against the petitioner. He would submit that mere purchase of property under a



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registered document, even assuming the title of the vendor is defective, would not by itself attract criminal liability in the absence of clear material showing fraudulent intent or active participation in fabrication.

14. The learned counsel further argued that the prosecution has not placed any legally admissible material to show as to how the petitioner had knowledge of the alleged falsity of the documents, or that she had entered into any prior agreement or conspiracy with the deceased accused. In the absence of such foundational materials, the continuation of criminal proceedings would be wholly unjustified.

15. Per contra, the learned Government Advocate appearing for the first respondent police submitted that the investigation has revealed a clear flow of title and a parallel forged chain of title. He would submit that after the death of Rajendran and even after the demise of Sivapaakiyammal, the first accused had no authority whatsoever to execute any sale deed in respect of the property and



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that the subsequent transactions are, therefore, *prima facie* sham and fabricated.

16. The learned Government Advocate would further submit that the petitioner is in possession of the property on the strength of the sale deed dated 16.11.2010, which has emanated from the forged chain of documents and therefore, the petitioner cannot escape prosecution. According to him, the final report discloses sufficient materials for the matter to go to trial and no ground is made out for exercising the inherent powers of this Court.

17. Though served, there is no representation for the second respondent.

Point for Consideration:

18. In the light of the rival submissions, the point that arises for consideration is whether the continuation of the criminal proceedings against the petitioner in C.C.No.464 of 2023 would



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amount to abuse of process of Court, warranting interference by this Court under Section 528 of BNSS, 2023?

Analysis:

19. This Court has carefully considered the rival submissions and perused the materials available on record.

20. At the outset, it is to be noted that the dispute relates to an extent of land and the competing claims emanate from rival chains of title. The prosecution itself traces the origin of title through successive settlement deeds and sale deeds. The petitioner also sets up her claim only through registered documents. Thus, the entire controversy is rooted in the validity, effect and legal consequence of rival conveyances.

21. The materials placed before this Court show that civil proceedings in O.S.No.6 of 2010 had already been instituted in relation to the very same subject matter. That the civil suit came to be dismissed for non-prosecution on 20.02.2023 does not alter the



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essential nature of the dispute. The dismissal for default does not convert a civil dispute into a criminal offence. The remedy of restoration or fresh civil proceedings, if otherwise available in law, always remains open to the aggrieved party.

22. It is trite that merely because a set of facts gives rise to civil consequences, criminal law need not be excluded altogether. At the same time, it is equally well settled that criminal proceedings cannot be permitted to be used as a shortcut for settling title disputes or for exerting pressure in matters which are predominantly civil in nature.

23. In the present case, the allegations against the petitioner are not of direct forgery in the sense of execution, impersonation, fabrication or falsification by her own hand. The petitioner is a purchaser under a registered sale deed. The principal accusation is that her vendor had no valid title and that the chain of documents through which she claims is tainted. Whether such documents are void, voidable, fabricated or ineffective in law are all questions that



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are fundamentally intertwined with adjudication of title and civil rights.

24. It is also significant that the two principal accused, namely A1 and A2, who are alleged to have executed and transmitted the impugned title, have already died. The prosecution as against them stands abated. The petitioner, who is the subsequent purchaser, is now left to face trial virtually in isolation. In the absence of the alleged executants themselves, the prosecution against the petitioner assumes an even more attenuated character.

25. This Court is unable to find from the materials placed before it any specific overt act attributable to the petitioner demonstrating that she had consciously participated in the making of forged documents or that she had the requisite *mens rea* to attract the offences of forgery, conspiracy and cheating. The final report, as projected, proceeds largely on the assumption that since the preceding documents are alleged to be invalid, the petitioner must



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also necessarily be criminally liable. Such an inference is too slender a foundation on which to compel a criminal trial.

26. A distinction must always be maintained between a defective title and a forged title. Every questionable title is not a criminal offence. A purchaser may fail in civil law for want of valid conveyance, but such failure by itself does not automatically translate into criminal culpability unless the essential ingredients of the penal provisions are clearly made out.

27. In the case on hand, the allegations are essentially that the petitioner is in possession of an extent of land which, according to the *de facto* complainant, forms part of the property of his principal. Such questions as to boundaries, extent, encroachment, validity of conveyance, priority of title and entitlement to possession are matters eminently within the province of the civil Court.

28. The contention of the petitioner that a common pathway exists between the properties and that the complaint was set in



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motion when she attempted to put up construction, also probabilises the civil flavour of the dispute. Even assuming such defence is a matter to be tested, the admitted existence of rival claims over the same property strongly militates against the continuation of criminal prosecution in the absence of clear and specific allegations of criminal intent.

29. This Court is also of the considered view that permitting the prosecution to continue in the facts of the present case would serve no useful purpose except subjecting the petitioner to unnecessary harassment. The criminal Court cannot be transformed into a forum for declaration of title or adjudication of *inter se* civil rights arising from disputed property transactions.

30. The inherent powers of this Court are to be exercised sparingly, but where the allegations, even if accepted on their face value, substantially disclose a civil dispute dressed up as a criminal case, this Court would be justified in stepping in to prevent abuse of process.



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31. Considering the totality of circumstances, namely, the pre-existing civil litigation, the nature of rival title claims, the absence of specific materials showing direct forgery or dishonest inducement on the part of the petitioner, and the death of the principal accused, this Court is of the view that the continuation of prosecution as against the petitioner cannot be sustained.

32. Accordingly, this Court holds that the proceedings in C.C.No.464 of 2023 on the file of the learned Judicial Magistrate No.II, Ramanathapuram District, insofar as the petitioner / A3 is concerned, are liable to be quashed.

33. Before parting with the matter, this Court deems it appropriate to observe that the quashment of the criminal proceedings will not foreclose the rights of the parties, if any, to work out their remedies before the competent civil forum in the manner known to law. Any observation made in this order is only for the purpose of deciding the present petition under Section 528 of BNSS,



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2023, and shall not influence the civil Court while adjudicating the rights of the parties on merits.

34. In the result, this Criminal Original Petition is allowed and the proceedings in C.C.No.464 of 2023 on the file of the learned Judicial Magistrate No.II, Ramanathapuram District, are hereby quashed insofar as the petitioner / A3 is concerned. Consequently, connected miscellaneous petitions are closed.

28.01.2026

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

To

1. The Inspector of Police,
Anti Land Grabbing Special Cell,
Ramanathapuram District,
Ramanathapuram.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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