



Crl.OP(MD)No.22570 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).Nos.22570 of 2025

&

Crl.M.P.(MD).Nos.19508 and 19509 of 2025

1. Thirupathirajan
2. Vijay Arul Joe
3. P.Pandiyarajan
4. M.Govindhan ... Petitioners / Accused No. 5 to 8

Vs.

1. The State of Tamil Nadu,
Rep. by The Sub Inspector of Police,
District Crime Branch Police Station,
Virudhunagar,
Virudhunagar District.
Crime No.19/2023. 1st Respondent /Complainant
2. V.Subbulakshmi 2nd 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 sheet in CC No.552/2025 on the file of the learned Judicial



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Magistrate II, Virudhunagar and quash the same as far as the petitioners /Accused are concerned.

For Petitioner : Mr.S.Vashik Ali

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

For R-2 : Mr.P.M.Vishnuvarthanan

ORDER

Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to the charge sheet in C.C.No.552 of 2025 on the file of the learned Judicial Magistrate No.II, Virudhunagar, arising out of Crime No.19 of 2023, and to quash the same insofar as the petitioners / Accused Nos.5 to 8 are concerned.

Preface:

2. The inherent jurisdiction of this Court to interdict criminal proceedings at the threshold is intended to prevent misuse of the criminal process, while simultaneously ensuring that genuine prosecutions are not stifled prematurely. The delicate balance between these competing interests forms the substratum of the



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present petition, wherein purchasers of immovable property seek quashment of criminal proceedings alleging conspiracy, cheating and forgery in relation to a disputed testamentary instrument.

3. The case presents a familiar but legally sensitive intersection of succession disputes, civil remedies, and criminal prosecution, requiring careful scrutiny of whether the allegations against the petitioners disclose the essential ingredients of the offences alleged, or whether they are sought to be prosecuted merely by association.

Case of the prosecution:

4. The prosecution case, as borne out from the First Information Report, the final report and the counter affidavits, is that the *de-facto* complainant and the first accused are sister and brother respectively, being the only legal heirs of late Mr. Rajasekaran and late Mrs. R. Sarala. It is alleged that after the demise of their father in the year 2012 and their mother on 03.06.2017, the first accused, with the assistance of the second accused, a practising advocate, fabricated an unregistered Will dated 03.10.2016 as though executed



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by the deceased Sarala, bequeathing the entirety of the family properties in his favour.

5. The third and fourth accused are stated to have signed as attesting witnesses to the alleged fabricated Will. On the strength of the said Will, mutation of revenue records was effected with the alleged connivance of accused Nos.9 and 10, who were revenue officials.

6. The present petitioners, arrayed as Accused Nos.5 to 8, are alleged to have entered into an unregistered agreement of sale dated 15.06.2019 with the first accused for purchase of lands measuring about 20 acres for a sale consideration of Rs.50 lakhs, and thereafter filed a suit for specific performance in O.S.No.84 of 2022 before the learned District Court, Srivilliputhur.

7. It is further alleged that the said suit was hurriedly compromised before the Mediation Centre, resulting in a compromise decree directing registration of a sale deed, pursuant to which Sale Deed No.1234 of 2022 dated 24.06.2022 came to be executed in favour of the petitioners.



8. According to the prosecution, the entire sequence of events was orchestrated to avoid judicial scrutiny of the alleged forged Will and to defeat the lawful share of the *de-facto* complainant. After investigation, final report came to be filed for offences under Sections 406, 420, 417, 465, 467, 468 and 471 IPC, which was taken cognizance as C.C.No.552 of 2025.

Grounds for quash:

9. The principal grounds urged by the petitioners are that:

The allegations in the FIR and final report do not attribute any specific act of forgery, fabrication, impersonation or making of false documents to Accused Nos.5 to 8. The role attributed to the petitioners is limited to entering into a sale agreement, filing a civil suit for specific performance, and obtaining a registered sale deed through a Court-referred mediation. There is no specific averment that the petitioners had knowledge, at the time of entering into the transaction, that the Will was forged or fabricated. The essential ingredients of offences under Sections 406, 420, 465, 467, 468 and 471 IPC are conspicuously absent as against the petitioners. The dispute essentially pertains to succession and title, which is within



the exclusive domain of civil jurisdiction, and the criminal proceedings are an abuse of process intended to exert pressure in the civil dispute.

Submissions:

10. The learned counsel for the petitioners contended that the prosecution itself admits that the petitioners were not involved in the creation or forgery of the Will. Their acts are confined to civil transactions, and mere suspicion, conjecture or allegations of “collusion” without particulars cannot sustain criminal prosecution. It was argued that reliance on a sale agreement and compromise decree, even if ultimately found invalid in civil law, does not *ipso facto* constitute criminal offences, absent *mens rea*. The learned counsel placed reliance on the principles laid down in ***State of Haryana v. Bhajan Lal***¹ and subsequent decisions to submit that continuation of proceedings against the petitioners would amount to abuse of process of law.

11. The learned Government Advocate and the learned counsel for the *de-facto* complainant opposed the petition, contending that

¹ 1992 Supp (1) SCC 335



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the petitioners are not innocent purchasers but active participants in a larger conspiracy. It was argued that the circumstances such as undervaluation, unusual duration fixed in the sale agreement, haste in obtaining compromise decree, and forensic report confirming forgery of the Will, *prima facie* establish collusion warranting a full-fledged trial. It was further submitted that conspiracy is seldom proved by direct evidence and has to be inferred from circumstances, which are present in abundance in the case on hand.

Point for consideration:

12. The point that arises for consideration is whether the uncontroverted allegations in the FIR and final report, even if taken at their face value, disclose the essential ingredients of the offences alleged against Accused Nos.5 to 8, so as to warrant their prosecution, or whether the proceedings against them are liable to be quashed in exercise of inherent jurisdiction.

Analysis:

13. It is well settled that while exercising jurisdiction under Section 528 BNSS, this Court does not conduct a mini-trial or



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evaluate the sufficiency of evidence. The enquiry is confined to examining whether the allegations, taken as they stand, disclose commission of an offence.

14. A careful reading of the FIR and the final report reveals that the act of forgery of the Will is squarely attributed to Accused Nos.1 to 4. There is no allegation that Accused Nos.5 to 8 either made, signed, altered or fabricated the Will. The prosecution case against the petitioners rests substantially on inferences drawn from surrounding circumstances such as undervaluation, timing of civil proceedings, and alleged improbability of the transaction. These circumstances, even if assumed to be true, may have relevance in civil adjudication, but do not, by themselves, satisfy the statutory ingredients of forgery or using forged documents.

15. For an offence under Section 471 IPC, it is essential that the accused used a forged document knowing or having reason to believe it to be forged. The FIR and final report are conspicuously silent on any specific averment that, at the relevant time, the petitioners had such knowledge. Similarly, offences under Sections



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406 and 420 IPC require entrustment and dishonest inducement respectively. The de-facto complainant does not allege that she entrusted any property to the petitioners or that she was induced by them to part with property.

16. The forensic report relied upon by the prosecution undoubtedly strengthens the case against those alleged to have forged the Will. However, it does not advance the prosecution case against the petitioners in the absence of material connecting them to the act of forgery or conscious use of the forged document. The dispute between the siblings regarding succession and inheritance remains essentially civil in nature. Permitting prosecution of purchasers on vague and inferential allegations would amount to converting every civil title dispute into a criminal case, which the criminal law does not countenance.

17. This Court is of the considered view that the allegations against Accused Nos.5 to 8, even if accepted in entirety, do not disclose the commission of offences under Sections 406, 420, 417, 465, 467, 468 and 471 IPC. Continuation of proceedings against



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them would therefore amount to abuse of the process of law. Criminal law is a potent instrument which must be wielded with circumspection. Its invocation in disputes essentially rooted in civil law, without clear and specific allegations of criminality, erodes the distinction between civil and criminal remedies and undermines the fairness of the process.

18. This Court, while not expressing any opinion on the merits of the civil disputes between the parties or the culpability of other accused, finds that the petitioners are entitled to relief.

19. The Criminal Original Petition is allowed. The proceedings in C.C.No.552 of 2025 on the file of the learned Judicial Magistrate No.II, Virudhunagar, arising out of Crime No.19 of 2023, are quashed insofar as Accused Nos.5 to 8 alone are concerned. Consequently, the connected miscellaneous petitions are closed.

02.01.2026

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



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To

- 1.The Judicial Magistrate II,
Virudhunagar.
- 2.The Sub Inspector of Police,
District Crime Branch Police Station,
Virudhunagar,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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