



Crl.OP(MD)No.150 of 2026

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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).No.150 of 2026

and

Crl.M.P.(MD)No.161 of 2026

M.Subramaniam Chettiyar

... Petitioner/Sole Accused

Vs.

1. The State of Tamilnadu,
Rep by the Station House Officer,
District Crime Branch,
Pudukottai District.
Crime No.24 of 2025.

.... Respondents / Complainants

2. K.C.Duraimurugan

..... Respondent /
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for records relating to the impugned FIR in Crime No. 24/2025 on the file of the 1st respondent police station so far as the petitioner is concerned and quash the same.



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For Petitioners : Mr.Gandhi,
Senior counsel,
For Mr.RM.Arun Swaminathan

For R-1 : Mr.S.Ravi,
Additional Public Prosecutor

For R-2 : Mr.B.Pragalath Ravi,
For Mr.S.Alagusundar

ORDER

Prologue:

The present Criminal Original Petition raises a delicate yet profound question touching upon the sanctity of judicial proceedings and the permissible limits of criminal prosecution when the very document alleged to be forged had already travelled through the corridors of judicial adjudication and attained a measure of judicial consideration before a Constitutional Court.

2. The case at hand is not a simple prosecution resting upon an isolated allegation of fabrication. Rather, it emanates from a long-standing and embittered dispute concerning endowed temple properties, hereditary claims, trusteeship assertions, revenue proceedings, civil litigation, and competing assertions regarding the



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administration of “Sirukala Santhi Kattalai” attached to Arulmigu
Athmanathaswamy Temple, Avudayarkovil.

3. The petitioner seeks quashment of the FIR in Crime No.24 of 2025 and the consequential final report in C.C.No.35 of 2026, principally contending that the prosecution itself is legally barred under Section 215(1)(b)(ii) of the Bharatiya Nagarik Suraksha Sanhita, 2023, corresponding to Section 195 Cr.P.C., since the disputed document was produced before this Court in judicial proceedings.

4. The respondents, on the other hand, would vehemently contend that the petitioner fabricated a forged letter in the name of the deceased father of the second respondent and utilised the same for securing favourable judicial findings, thereby committing serious offences affecting the purity of administration of justice itself.

Case of the prosecution:

5. The prosecution case, as discernible from the FIR and the materials placed before this Court, is that the father of the second



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respondent had allegedly issued a lease-related letter dated 20.06.2012 concerning the subject property. According to the second respondent, the said letter was later produced by the petitioner before this Court in C.R.P.(MD) No.1520 of 2022 arising out of proceedings connected with Trust O.P.No.47 of 2017 on the file of the Principal District Judge, Pudukkottai.

6. It is alleged that the said document is forged and fabricated. The further case of the prosecution is that the father of the second respondent, namely Chidambaram, died on 20.07.2022 and therefore could not dispute the genuineness of the document after the Civil Revision Petition was numbered and entertained. The second respondent would state that only after dismissal of the Civil Revision Petition and upon comparison of signatures available in other documents, he discovered that the disputed letter was forged.

7. Since the respondent police did not initially register a case, the second respondent approached this Court in W.P.(Crl.)(MD) No. 928 of 2025 and pursuant to directions issued therein, the impugned FIR in Crime No.24 of 2025 came to be registered for



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offences under Sections 465, 467, 468 and 471 IPC corresponding to Sections 336(2), 338, 336(3) and 340(2) of the Bharatiya Nyaya Sanhita, 2023. During the pendency of the present petition, investigation was completed and final report came to be filed in C.C.No.35 of 2026 before the learned Judicial Magistrate No.II, Pudukkottai.

8. The petitioner would contend that his ancestors had purchased several properties during the Pudukkottai Kingdom period exclusively for the benefit of the deity of Arulmigu Athmanathaswamy Temple and for performance of “Sirukala Santhi Kattalai”. According to the petitioner, the endowed properties had been continuously administered through hereditary arrangements and annadhanam obligations.

9. It is the specific case of the petitioner that the second respondent’s father, who was only a cultivating tenant, attempted to project himself as hereditary trustee and alienated portions of temple properties illegally. The petitioner would further contend that revenue proceedings before the Revenue Divisional Officer,



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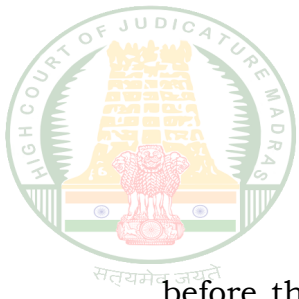
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Aranthangi, culminated in restoration of patta in the name of “Sirukala Santhi Kattalai”.

10. Thereafter, the second respondent’s father filed Trust O.P.No.47 of 2017 before the learned Principal District Court, Pudukkottai, seeking permission to alienate portions of the endowed property. The petitioner challenged the said proceedings before this Court in C.R.P.(MD) No.1520 of 2022.

11. In the said proceedings, the petitioner relied upon several historical documents including the disputed lease request letter dated 20.06.2012 allegedly written by the second respondent’s father. This Court, in the Civil Revision Petition, set aside the order passed in the Trust O.P. and made serious observations regarding the conduct of the second respondent’s father and the absence of foundational materials proving trusteeship.

12. The review petition subsequently filed by the second respondent was also dismissed. According to the petitioner, once the allegation regarding the disputed document had already surfaced



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before this Court and the judicial proceedings had attained finality, initiation of criminal prosecution before the police is legally impermissible.

13. The principal grounds raised by the petitioner are as follows:

(i) The disputed document had been produced before this Court in judicial proceedings and therefore prosecution is barred under Section 215(1)(b)(ii) BNSS corresponding to Section 195 Cr.P.C.;

(ii) The allegation of forgery had already been raised in the review proceedings and stood rejected;

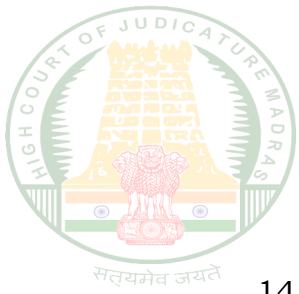
(iii) The dispute is essentially civil in nature concerning title, trusteeship and endowment administration;

(iv) The criminal prosecution is a retaliatory counterblast to adverse civil orders;

(v) The FIR lacks ingredients of forgery and fabrication;

and

(vi) Continuation of criminal proceedings would amount to abuse of process of Court.



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14. The second respondent filed a detailed counter affidavit resisting the petition. According to the second respondent, the petitioner deliberately fabricated the disputed letter in the name of his deceased father and utilised the same before this Court in order to secure favourable findings in the Civil Revision Petition.

15. It is further contended that the father of the second respondent was not alive when the Civil Revision Petition was taken up and therefore he could not effectively dispute the forged document. The second respondent would further submit that the handwriting expert has already opined that the disputed document is forged and therefore the matter requires full-fledged trial.

16. It is also contended that the police have already completed investigation and filed final report in C.C.No.35 of 2026 and therefore the present petition has become infructuous insofar as FIR quashment is concerned. The learned counsel appearing for the second respondent would strongly argue that fabrication of a document and production of the same before Court constitute grave



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offences affecting purity of justice delivery system and such offences cannot be shielded under the guise of technical bars.

Arguments on either side:

17. The learned counsel for the petitioner submitted that the entire prosecution is fundamentally barred by law. He would submit that the disputed document formed part of judicial proceedings before this Court and therefore cognizance could be taken only upon a complaint by the Court concerned in terms of Section 215(1)(b)(ii) BNSS.

18. The learned counsel would further contend that permitting a police investigation on the basis of a private complaint would completely defeat the legislative intent underlying Section 195 Cr.P.C. and its corresponding provision under the BNSS. The learned counsel further submitted that the review petition itself contained allegations regarding forgery and this Court nevertheless dismissed the review petition and relegated the parties to civil remedies. He would therefore contend that the present prosecution amounts to



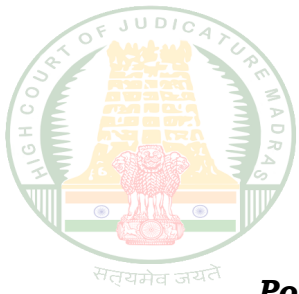
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collateral attack upon judicial proceedings already concluded before this Court.

19. Per contra, the learned Additional Public Prosecutor submitted that the allegations disclose cognizable offences involving fabrication and use of forged documents. The learned Additional Public Prosecutor would contend that once investigation culminated in filing of final report supported by expert opinion, the matter ought to be tested only during trial.

20. The learned counsel for the second respondent submitted that Section 215 (1)(b)(ii)BNSS cannot become a protective umbrella for a person who fabricated a document and polluted judicial proceedings. According to him, the bar under Section 215(1)(b)(ii)BNSS would not apply when the forgery itself was committed prior to production before Court.

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



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Points for consideration:

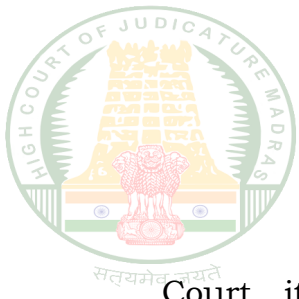
22. In light of the rival submissions, the following points arise for consideration:

- (i) Whether the impugned prosecution is barred under Section 215(1)(b)(ii)BNSS corresponding to Section 195 Cr.P.C.?
- (ii) Whether continuation of criminal proceedings would amount to abuse of process of law?
- (iii) Whether the allegations disclose matters requiring trial notwithstanding the jurisdiction under Section 528 BNSS?

Analysis:

23. Section 215(1)(b)(ii) BNSS substantially corresponds to Section 195(1)(b)(ii) Cr.P.C. The object behind the provision is not merely procedural. It is institutional. The Legislature consciously insulated judicial proceedings from collateral criminal prosecutions initiated at the instance of private parties in relation to documents produced before Courts.

24. The rationale is simple yet profound. When a document enters judicial custody and becomes part of judicial adjudication, the



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Court itself becomes the guardian of the sanctity of such proceedings. The law therefore mandates that prosecution concerning fabrication or forgery of such documents should ordinarily emanate from the concerned Court and not from private vengeance.

25. The materials placed before this Court unmistakably reveal that the disputed letter dated 20.06.2012 was indeed produced before this Court in C.R.P.(MD) No.1520 of 2022. Equally significant is the fact that allegations regarding the genuineness of the said document surfaced during subsequent review proceedings.

26. Even thereafter, no complaint appears to have been initiated by the Court concerned. Instead, the second respondent independently set criminal law into motion through police machinery. Such course *prima facie* strikes at the statutory embargo contemplated under **Section 215 BNSS**.

27. The order passed in C.R.P.(MD) No.1520 of 2022 contains elaborate observations concerning the conduct of the second



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respondent's father and the deficiencies in establishing hereditary trusteeship. This Court had also observed that the Trust O.P. itself suffered from serious infirmities.

28. Though the respondents would contend that the issue of forgery was not conclusively adjudicated, the undeniable fact remains that the disputed document formed part of judicial scrutiny. The respondents cannot now indirectly reopen the very same controversy through police prosecution without following the statutory safeguards mandated under **Section 215 BNSS**.

29. Mere existence of civil proceedings does not by itself extinguish criminal liability. Equally, criminal law cannot be permitted to become a weapon of strategic retaliation arising out of failed civil claims. The present dispute fundamentally revolves around endowed properties, trusteeship claims, patta disputes, cultivation rights and rival assertions concerning hereditary administration.

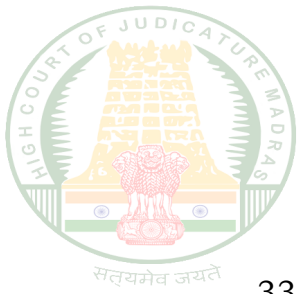


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30. The criminal allegations are inextricably intertwined with those civil disputes. More importantly, the alleged forged document did not independently create title nor directly transfer proprietary rights. The prosecution has also not demonstrated any direct pecuniary gain accrued to the petitioner solely by virtue of the disputed document.

31. True it is that final report has already been filed in C.C.No. 35 of 2026. However, mere filing of final report cannot sanctify proceedings initiated contrary to statutory mandate. If the foundational initiation itself suffers from legal embargo, subsequent proceedings built upon such foundation cannot survive independently. The inherent jurisdiction of this Court under Section 528 BNSS exists precisely to prevent such abuse of process.

32. Criminal law is a solemn instrument of justice. It cannot be transformed into an extension of civil warfare. Courts must remain vigilant whenever criminal prosecution emerges immediately after failure in civil litigation, particularly where the disputed material had already travelled through judicial proceedings.



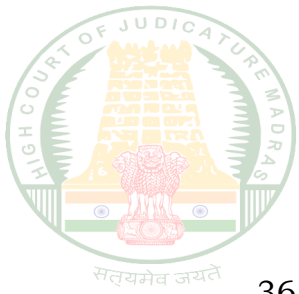
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33. The facts of the present case unmistakably reveal that the criminal prosecution arose only after adverse orders in the Civil Revision proceedings and dismissal of the review petition. The sequence of events lends substantial credence to the petitioner's contention that the prosecution is retaliatory in character.

Epilogue:

34. Judicial proceedings cannot be permitted to become battlegrounds for endless retaliatory litigations. Equally, allegations of fabrication of documents used before Constitutional Courts are undoubtedly serious. Yet, seriousness of allegation cannot override statutory safeguards consciously enacted by the Legislature.

35. Section 215 BNSS is not a mere technical obstacle. It is a jurisdictional mandate intended to preserve judicial discipline and institutional propriety. When law requires that prosecution concerning documents produced before Court should emanate from the Court itself, private parties cannot circumvent the legislative command through police machinery.



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36. This Court is therefore of the considered view that continuation of the impugned criminal proceedings would amount to abuse of process of law warranting exercise of inherent jurisdiction under Section 528 BNSS.

37. In the result, this Criminal Original Petition stands **allowed**. The FIR in Crime No.24 of 2025 on the file of the first respondent police and the consequential final report in C.C.No.35 of 2026 on the file of the learned Judicial Magistrate No.II, Pudukkottai, are hereby quashed. Consequently, connected miscellaneous petition is closed.

38. However, it is made clear that this order shall not preclude the competent Court, if otherwise deemed necessary in accordance with law, from initiating appropriate proceedings under the relevant provisions governing offences affecting administration of justice, strictly in the manner known to law.

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NCC : Yes / No
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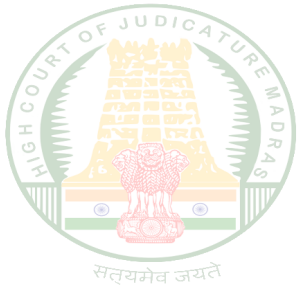


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To

- 1.The Judicial Magistrate No.II,
Pudukkottai.
- 2 The Station House Officer,
District Crime Branch,
Pudukkottai 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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