



Crl.OP(MD)No.23731 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)No.23731 of 2025**

**and**

**Crl.M.P.(MD)No.20577 of 2025**

1. Ammaponnu
2. A. Machakalai
3. U. Rajamanickam
4. Andi
5. A. Kannan

... Petitioners

**Vs.**

1. The District Crime Branch Police Station,  
Madurai District.  
(Crime No.36 of 2025)

2. Pitchaiyammal

... Respondents

**PRAYER:** Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the FIR in Crime No.36 of 2025, dated 06.10.2025, on the file of the first respondent and quash the same as illegal as against the petitioners.

For Petitioners : Mr. M.Antony Raja Durai

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



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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 First Information Report in Crime No.36 of 2025, dated 06.10.2025, on the file of the first respondent police.

2. The impugned First Information Report has been registered for the offences punishable under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, corresponding to the relevant provisions under the Bharatiya Nyaya Sanhita, 2023. The petitioners, who figure as accused Nos.1, 2, 3, 5 and 6, have approached this Court contending that the criminal prosecution is unsustainable in law and that the dispute, at best, is civil in nature.

3. The issue that arises for consideration in this petition is whether, at the threshold stage of investigation, this Court should exercise its extraordinary jurisdiction to interdict the criminal proceedings, when the allegations in the complaint relate to the



execution of documents concerning immovable property and allegations of fraud, impersonation, fabrication and conspiracy.

***Case of the prosecution:***

4. The case of the prosecution, as could be seen from the complaint lodged by the second respondent / *defacto* complainant, is that the properties comprised in Survey Nos.9/3 and 9/4, measuring 78 cents and 1 acre 16 cents respectively, originally belonged to one Karuppanan Ambalam.

5. It is the further case of the prosecution that after the demise of the said Karuppanan Ambalam, his wife Palaniyayi @ Palaniammal survived him. Since the said Palaniyayi had no issues, the second respondent claims that being the niece of Palaniyayi and her husband being the foster son of Palaniyayi, they continued to remain the lawful successors entitled to claim through her.

6. According to the *defacto* complainant, Palaniyayi had executed a Will in her favour and, therefore, the property rights devolved upon her. The grievance of the second respondent is that



despite the absence of any lawful title or entitlement, the first petitioner executed a sale deed in respect of the said properties in favour of the second petitioner and that such execution was fraudulent and supported by fabricated and false revenue records.

7. The complaint further proceeds on the footing that the petitioners, acting in concert, entered into a criminal conspiracy, created and used false documents as genuine, and dishonestly attempted to defeat the lawful rights of the *defacto* complainant over the subject property. It is on these allegations that the impugned FIR came to be registered.

***Grounds for Quash:***

8. The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated and that the registration of the FIR is an abuse of process of law.

9. The principal contention of the learned counsel for the petitioners is that the dispute revolves around rival claims over immovable property and succession, and therefore, the matter is



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essentially civil in nature. According to him, the criminal law has been set in motion only to exert pressure upon the petitioners.

10. The learned counsel further submitted that the first petitioner had acted only in the capacity of a legal heir of Palaniyayi and that the execution of the document was not attended by any criminal intent. It was contended that the petitioners have long been in enjoyment of the property and that land tax receipts from the year 1973 till 2022 would clearly demonstrate their possession and enjoyment.

11. It was also argued that when documentary materials are available to show possession and enjoyment of the petitioners, continuation of criminal proceedings would amount to harassment. On that basis, the learned counsel sought quashment of the FIR in exercise of the inherent jurisdiction of this Court.

***Arguments on either side:***

12. The learned counsel for the petitioners reiterated that the petitioners are accused Nos.1, 2, 3, 5 and 6 in the impugned FIR and



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that the complaint itself does not disclose the ingredients of the offences alleged against them.

13. He would submit that the first petitioner had executed the document as a person claiming through Palaniyayi and that the issue as to who is the true legal heir can only be decided in appropriate civil proceedings. Therefore, according to the learned counsel, a criminal prosecution based upon such rival claims is wholly unwarranted.

14. The learned counsel also drew the attention of this Court to the land tax receipts said to have been paid by the petitioners over several decades and contended that the same would probabilise the petitioners' claim of enjoyment. He therefore submitted that the FIR deserves to be quashed at the inception itself.

15. Per contra, the learned Government Advocate (Crl. Side) appearing for the first respondent submitted, on instructions, that the matter is still under investigation and the allegations are grave in nature.



16. The learned Government Advocate pointed out that the patta which stood in the name of the first petitioner had already been cancelled by the competent revenue authorities as early as in the year 2017. According to him, the cancellation was not an isolated proceeding, but was confirmed in the appellate / revisional hierarchy, thereby negating the claim projected by the first petitioner before the revenue authorities.

17. It was further submitted that suppressing the material fact of patta cancellation and the adverse orders passed by the revenue authorities, the first petitioner had proceeded to execute a sale deed in favour of the second petitioner. Such conduct, according to the prosecution, furnishes the foundational facts for the offences alleged in the FIR.

18. The learned Government Advocate also clarified that though one M.Saravanan had originally set the revenue proceedings in motion, the second respondent had been arrayed as a party in the revision before the District Revenue Officer, and only after hearing all the rival claimants, the order of cancellation passed by the Tahsildar



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came to be confirmed. Therefore, the contention of the petitioners that the second respondent had no role or no subsisting claim over the property was stoutly disputed.

19. It was therefore submitted that the allegations in the complaint, read as a whole, disclose cognizable offences warranting investigation and that this is not a fit case where the FIR should be stifled at the threshold.

***Point for Consideration:***

20. In the light of the rival submissions, the following point arises for consideration in this Criminal Original Petition:

Whether the petitioners have made out a case for quashing the FIR in Crime No.36 of 2025, at the stage of investigation, on the ground that the dispute is purely civil in nature and that the allegations do not disclose the commission of cognizable offences?



**Analysis:**

21. The power of this Court to quash a First Information Report at the threshold is undoubtedly wide, but the same has to be exercised sparingly, with circumspection, and only in cases where the complaint on the face of it fails to disclose the commission of any offence or where the prosecution is manifestly attended with mala fides.

22. At the stage of considering a prayer for quashing an FIR, this Court is not expected to embark upon a meticulous appreciation of disputed facts or adjudicate title to immovable property. The Court is only required to examine whether the averments in the complaint, if taken at face value, *prima facie* disclose the ingredients of the offences alleged.

23. In the present case, the allegation is not merely that there exists a civil dispute over title. The complaint specifically alleges that the first petitioner executed a sale deed in favour of the second petitioner in respect of properties over which she had no subsisting lawful right, that the revenue records standing in her favour had



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already been cancelled, that such material facts were suppressed, and that false documents were created and used as genuine in order to deprive the *defacto* complainant of her lawful claim.

24. These allegations, if ultimately established in the course of investigation, may attract the ingredients of cheating, forgery, use of forged documents and conspiracy. Therefore, it cannot be said, at this stage, that the FIR is wholly devoid of criminality or that the allegations are confined only to a civil dispute.

25. It is true that the petitioners have placed reliance upon land tax receipts said to have been paid from 1973 to 2022. However, as rightly pointed out, land tax receipts or patta entries by themselves do not confer title. At the most, such materials may be relevant pieces of evidence in support of possession or enjoyment. They cannot, by themselves, conclusively establish lawful title so as to non-suit the prosecution at the threshold.

26. On the other hand, the prosecution has brought to the notice of this Court that the patta standing in the name of the first



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petitioner was cancelled by the competent authority and that the said cancellation was confirmed by the revisional authority after adjudicating rival claims. The effect of such orders, the nature of the petitioners' claim, the alleged Will projected by the second respondent, and the validity of the sale transaction are all matters which require factual investigation and cannot be conclusively decided in a petition under Section 528 of BNSS.

27. This Court is of the considered view that where allegations disclose that a party, despite an adverse adjudication before the revenue authorities, proceeds to execute a conveyance suppressing such facts, the investigating agency must be permitted to inquire into the circumstances surrounding the transaction. Premature quashing of the FIR in such a situation would amount to throttling a legitimate investigation.

28. The submission that the dispute is civil in nature also does not persuade this Court to interfere. Merely because a set of facts may also give rise to civil consequences, the criminal law cannot be rendered inapplicable if the complaint discloses the necessary



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ingredients of a criminal offence. The coexistence of civil and criminal remedies is not unknown to law, and one does not automatically exclude the other.

29. In the present case, the allegations are not confined to a bare assertion of competing title. The gravamen of the complaint is that the petitioners, in concert, acted dishonestly and created or utilised false documents to convey property in a fraudulent manner. Such allegations certainly require investigation.

30. At this preliminary stage, this Court cannot enter into disputed questions as to whether the first petitioner is in fact a lawful heir, whether the Will set up by the *defacto* complainant is genuine, or whether the petitioners' possession over the property was lawful. These are all matters to be thrashed out in the manner known to law, either before the competent civil forum or in the course of criminal investigation and subsequent proceedings, depending upon the materials collected.



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31. This Court therefore finds that the FIR cannot be said to be an abuse of process warranting interference. The complaint discloses a *prima facie* case and the investigation has not yet reached finality. This is not a fit case for quashing the impugned FIR.

32. In view of the foregoing discussion, this Court holds that the petitioners have not made out any ground to quash the FIR in Crime No.36 of 2025 at this nascent stage of investigation.

33. The contentions raised by the petitioners involve disputed questions of fact touching upon title, inheritance, revenue proceedings, and the circumstances surrounding the execution of the impugned sale deed. Such matters cannot be adjudicated in a petition under Section 528 of BNSS.

34. Since the allegations in the complaint *prima facie* disclose the commission of cognizable offences, the investigating agency must be permitted to proceed with the investigation in accordance with law.



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35. Criminal jurisdiction under Section 528 of BNSS is intended to prevent miscarriage of justice and abuse of process. It is not intended to convert this Court into a forum for conducting a mini-trial at the stage of FIR. When the materials placed before the Court indicate the need for a full-fledged investigation, judicial restraint must prevail over premature interdiction.

36. In the case on hand, the allegations are sufficiently serious and supported by circumstances that warrant investigation. Hence, this Court is not inclined to exercise its inherent jurisdiction in favour of the petitioners. Accordingly, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

**02.01.2026**

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

1. The District Crime Branch Police Station,  
Madurai District.
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**L.VICTORIA GOWRI, J.**

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