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CRL RC No. 1559 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23-01-2026

PRONOUNCED ON: 27-01-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**CRL RC No. 1559 of 2024
and CRL MP NO. 12992 of 2024**

Hasmath

... Petitioner/A4

Vs

1. N.Ashok Kumar

... 1st respondent / Defacto complainant

2. State Rep.By

The Inspector Of Police,

CBCID Metro Wing,

O/o. the Commissioner of Police,

Old Commissioner Office Road,

Egmore, Chennai-600 008. ... 2nd Respondent/ Investigating Officer

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Cr.P.C., to set aside the order dated 30.11.2023 passed in Crl.MP.No.8446 of 2021 in Cr.No.9 of 2018, on the file of the court of Metropolitan Magistrate for Exclusive trial of CCB Cases (Relating to Cheating cases to Chennai) and CBCID Metro cases, Egmore, Chennai.

For Petitioner(s):

Mr.Abudu Kumar Rajarathinam,

Sr. Counsel

for Mr.Mohamed Rafi

For Respondent(s):

Mr.Manuraj (for R1)

Mr.R.Vinothraja (for R2)

Government Advocate (Crl.Side)



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Order

The petitioner/A4 aggrieved by the impugned order by which the protest petition filed by the 1st respondent/defacto complainant was allowed by the learned Metropolitan Magistrate for the Exclusive Trial of CCB Cases [Relating to Cheating Cases to Chennai) and CBCID Metro Cases, Egmore, Chennai, has preferred the above revision.

2. The 1st respondent/defacto complainant herein had filed a complaint against the petitioner/A4 and six others stating that a property measuring 3 acres and 56 cents in T.S.No.131/1, 131/2A, 131/3A situated in Kalki Krishnamoorthy Salai, Thiruvanmiyur, Chennai, belonged to one Kandasamy Grammini; that the said Kandasamy Grammini executed a Will dated 07.12.1960, by which, the property devolved to his four sons and five daughters; the Will was Probated in OP No.201 of 1972; that the 1st respondent/defacto complainant is the son of one Mohanambal, who is the daughter of the said Kandasamy Grammini; that therefore by virtue of the Will he has a share in the property; and that when he along with the other legal heirs of Kandasamy Grammini were taking steps to sell the



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property, they came to know that the petitioner herein and the other accused had conspired with the registration officials and inserted certain forged sheets into the records of the office of the Sub Registrar and created encumbrances so as to deprive the 1st respondent and other family members of their property.

3. The complaint was registered in Cr.No.9 of 2018 for the offence under Sections 420, 465, 468, 471, 474 and 120(B) of the IPC. The 2nd respondent police had conducted the investigation and filed a negative final report before the learned Metropolitan Magistrate for the Exclusive Trial of CCB Cases (Relating to Cheating Cases to Chennai) and CBCID Metro Cases, Egmore, Chennai.

4. The 1st respondent/defacto Complainant herein filed a protest petition in Crl.MP.No.8446 of 2021 and the learned Magistrate by the impugned order dated 30.11.2023 had allowed the said protest petition, rejected the negative final report and directed the 2nd respondent to conduct further investigation and file a final report.



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5. Mr.Abudu Kumar Rajarathinam, learned senior counsel appearing for the petitioner would submit that by the impugned order, the learned Magistrate has in effect ordered reinvestigation; that the learned Magistrate is not empowered to do so; that the investigating officer has elaborately considered the facts and filed the negative final report which cannot be faulted; that the 1st respondent/defacto complainant is seeking to convert a civil dispute into a criminal case; that all the allegations have been found to be false by the investigating officer; and that the reasons assigned by the learned Magistrate for directing further investigation cannot be sustained.

6. Mr.Manuraj, learned counsel for the 1st respondent/defacto complainant, however, vehemently contended that the allegations of forgery cannot be said to be civil in nature; that the report is silent on certain vital aspects with regard to the allegations made by the 1st respondent; that the trial Court therefore had rightly rejected the negative final report; that the learned Magistrate has assigned reasons for rejecting the final report and rightly directed further investigation which cannot be faulted.



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7. The sum and substance of the 1st respondent's complaint is that the petitioner and other accused had inserted forged documents said to have been executed in a 1000 Rupees Non-Judicial Stamp Paper in the records of the office of the Sub-Registrar, Saidapet, making it appear that there was a sale deed executed on 26.02.1966 in favour of the accused persons, bearing Doc.No.547 of 1966; that there was no 1000 Rupees Non-Judicial Stamp Paper printed by the Government at the relevant point of time; that another sale deed bearing Document No.3532 of 1957 said to have been executed by the said Kandasamy Grammini was also forged as the RTI information suggests that the said Kandasamy Grammini had not signed in the register maintained at the office; that the settlement deed executed in favour of the petitioner and others in the year 1972 was also forged; and that after considering all these facts, the District Revenue Officer (DRO), Chennai had cancelled the patta granted by Tashildar, Mylapore in favour of the petitioner and the other accused.

8. In his report, the investigating officer found that an extent of 72 grounds were sold by one Gopalsamy to one M/s. Nu Wood Private



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Limited, who in turn purchased it from one K.A.Ramchar, who purchased it from Kandasamy Grammini in the year 1957. M/s.Nu Wood Private Limited sold the said extent to the petitioner's father viz., Mohammed Habibullah Sahib, by virtue of sale deed bearing No.547 of 1966. The petitioner and other relatives were each entitled to 1/8th share pursuant to a settlement deed in the year 1972. They had jointly sold six grounds and retained 66 grounds.

9. The investigating officer found that the document which was executed in the year 1966 was sent to the Indian Security Press [ISP], Nasik for verifying whether the said document were genuine. On 24.07.2019, a detailed report was received from ISP, Nasik that the Rs.1000 Non-Judicial Stamp Paper was genuine and was printed in India on 04.04.1962. Therefore, the investigating officer found that the allegation with regard to inserting fake 1000 Rupees Non-Judicial Stamp Paper in the registrar's office was not true.

10. Even as regards the allegation that the settlement deed executed in the year 1972 was not actually executed at the Saidapet Sub Registrar's

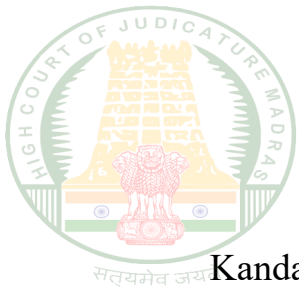


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office, the investigating officer found that the Settlement Deed Documents were registered as Document Nos.2921 and 2923 of 1972 dated 15.05.1972 on the file of SRO North Madras and that the investigation revealed that the family settlement deed could be registered at any Sub Registrar's office within the State at that relevant point of time and therefore, that document was also genuine.

11. The investigation officer also found that the fact that the DRO has cancelled the patta in favour of the petitioner and others would hardly be of any consequence to determine whether the petitioner and others had committed any offence.

12. The investigating officer also found that the earlier forensic report which stated that the signatures of Kandasamy Grammini found in the 1957 document, which was sent for comparison with the admitted signature, did not match, cannot be accepted, as the then SRO had wrongly sent the signature of the SRO who registered the document in 1957 for comparison with the signature of the Kandasamy Grammini; and that on comparison it was found that the disputed signature of



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Kandasamy Grammini and the admitted signature are one and the same.

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Therefore, the investigating officer had filed a negative final report.

13. The learned Magistrate, however, had observed that the petitioner and others who were said to have acquired title had not applied for patta for 42 years and that raises a suspicion. The learned Magistrate also found that the report of the investigating officer as regards the documents executed in the year 1957 cannot be accepted as the investigating officer has not sent the document for comparison by an expert.

14. As stated above, the documents executed in the year 1966 and 1972 have been found to be genuine. The allegation with regard to the forgery of these two documents viz., 1966 document and 1972 document, have been found to be without any basis. It appears that the DRO has cancelled the patta only on the premise that these two documents were forged. Therefore, the very basis for lodging a complaint does not exist. The fact that the petitioner had not applied for patta for 42 years would not be a circumstance to direct further investigation. In fact the 1st



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respondent himself had not applied for patta earlier. That apart, merely because the signature was not once again sent for forensic expert examination, also cannot be a reason for further investigation, as the complaint itself is based on conjectures and surmises. The 1st respondent/defacto complainant by virtue of this complaint is actually seeking to adjudicate the dispute on title in the police station.

15. Hence, this Court is of the view that the final report of the 2nd respondent is in accordance with law and it is not necessary to conduct further investigation on the complaint given by the 1st respondent/defacto complainant. Accordingly, the impugned order dated 30.11.2023 passed in Crl.MP.No.8446 of 2021 in Cr.No.9 of 2018, on the file of the court of Metropolitan Magistrate for Exclusive trial of CCB Cases (Relating to Cheating cases to Chennai) and CBCID Metro cases, Egmore, Chennai, is liable to be set aside and is set aside.

16. However, it is made clear that the observations made in this order or in the report of the 2nd respondent would not have any bearing in any civil proceedings that are instituted or may be instituted by the 1st



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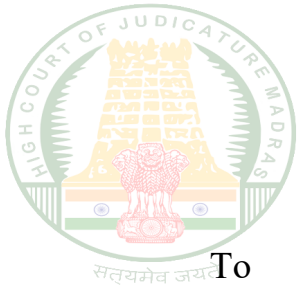
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respondent/defacto complainant or by the petitioner, before any civil forum.

17. With the above observations, the Criminal Revision Case stands allowed. Consequently, the connected Criminal Miscellaneous Petition is closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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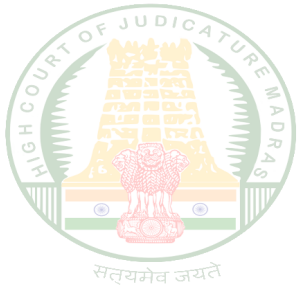


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To

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1. The Metropolitan Magistrate
for Exclusive trial of CCB Cases (Relating to Cheating cases to Chennai)
and CBCID Metro cases, Egmore, Chennai.
2. The Inspector Of Police,
CBCID Metro Wing,
Office of The Commissioner of Police,
Old Commissioner Office Road, Egmore, Chennai-600 008.
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN J.

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**Pre-delivery order in
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