

**IN THE COURT OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE,  
COIMBATORE.**

**Present: Tmt. G. VIJAYA, B.A., M.L., PGDCFS,  
PRINCIPAL DISTRICT & SESSIONS JUDGE, COIMBATORE**

**Tuesday, this the 10<sup>th</sup> day of March, 2026**

**CRIMINAL MISCELLANEOUS PETITION No.807/2026**

1. P. Ganeshamoorthy ( Age 64 years)  
S/o. late. P. Palanisamy.
2. P. Subramaniyam (Age 73 years),  
S/o. late. P. Palanisamy.
3. P. Nagarathinam (Age 63 years),  
W/o. Thangavel. ... Petitioners /A 1 to 3.

/vs/

State, Rep. by  
through the Inspector of Police,  
**DCB Police Station,**  
**Crime No.3/2026.**  
**Offences:u/s.120(b), 417, 466, 468, 471 of IPC.**  
Through the Public Prosecutor, Coimbatore.  
(The Judicial Magistrate Court No.6, Coimbatore.)

... Respondent

This petition has been filed through **e-Filing** on behalf of the petitioners to release them on anticipatory bail u/s.482 of BNSS.

This petition is coming on this day for final hearing before this Court in the presence of **Tvl. S. Selvaraju and D. Saranya**, Advocates for the Petitioner/ A 1 to 3 and **Thiru. B.Rameshbabu**, Advocate for the defacto complainant / intervener [CMP No.952/2026] and **Thiru. V. Ravichandran, Public Prosecutor**, represented for State, upon perusing the petition submitted and upon hearing both side arguments, this Court pronounced the following:-

**ORDER**

**Heard both side.**

The petitioners are the accused in Crime No.3/2026 of DCB Police Station, since they are apprehending arrest in the hands of the respondent police for the

alleged u/s.120(b), 417, 466, 468, 471 of IPC, they have filed this petition, seeking grant of Anticipatory bail.

2. The learned counsel for the petitioners has submitted that the complaint was initiated by the son of the petitioner's deceased sister. The case is based entirely on fabricated circumstances. The petitioner's father passed away on 20-09-1983. As this was not registered in the concerned office, the petitioners obtained a non-availability certificate from the Periyanaickenpalayam Sub Registrar Office on 16-05-2022 and submitted a petition to the Coimbatore North Tahsildar requesting the death certificate of their father, Palanisamy Gounder. The Coimbatore North Tahsildar, after publishing a notice in daily newspapers for objections, conducting an enquiry by obtaining statements from the petitioners and relatives, issued the death certificate for the petitioners' father on 20-09-2022. The defacto complainant petitioned the Coimbatore District Collector requesting to cancel the order of the Tahsildar. Without conducting a proper and full enquiry with the petitioner, the District Collector passed an order on 30-01-2023 cancelling the death certificate issued by the Tahsildar. Further, an order was issued to take criminal action against the 1<sup>st</sup> petitioner who requested the death certificate. Against the said order, the 1<sup>st</sup> petitioner filed a petition in W.P.No.7068/2023 before the Hon'ble High Court, Madras. When requesting to cancel the District Collector's order, the Hon'ble High Court, Madras passed an order dated 08-03-2023 directing to file an original suit and determine which of the two death certificates is genuine. Further, in that order, the Hon'ble High Court, Madras amended it on 20-04-2023. An order was passed to file the original suit within 4 weeks from the date of receipt of the order, to stay criminal proceedings until then. As per the said order, the petitioner filed suit on 27-04-2023 in O.S.No.426/2023. The defacto complainant filed an appeal in W.A.No.1187/2024 before the Hon'ble High Court, Madras requesting to quash the amended orders and furthermore, in the aforementioned appeal, falsely represented that the suit was filed belatedly. The Hon'ble High Court, Madras ordered that there is no scope to initiate a criminal case. Therefore, this case has been registered based on a complaint filed by the defacto complainant. The Hon'ble High Court, Madras did not set aside the order in the writ petition. Instead, the defacto complainant presented a false fact. There is no nexus between the petitioners and the alleged offence. In the year 2022, as the complainant sold the properties belong to the petitioners to an extent of 3.92 acres through the forged Will, hence to cancel the same and for the relief of partition, a suit in O.S.No.455/2022 is pending between the parties and in order to get unlawful gain, the defacto complainant lodged this false complaint. The petitioners will

neither abscond nor tamper the witnesses and pray for grant of anticipatory bail to them.

3. The learned counsel for the intervener has submitted that the name of the intervener's deceased mother Sellammal's father is Palaniyappa Gounder @ Palanisamy Gounder. The said Palaniyappa Gounder @ Palanisamy Gounder died on 17-06-1984. His death was registered by the intervener's maternal uncle namely A-1 on 21-06-1984 in the Periyanaickenpalayam Town Panchayat death register. The deceased Palanisamy Gounder executed a Will dated 23-03-1984. While so, with a criminal intent to grab the said property, A-1 to A-3, who are the intervener's mother's brothers, conspired together, hide the death certificate already registered through the Periyanaickenpalayam Sub-Registrar's office, and gave false information that he said Palanisamy Gounder's death has not been registered yet and claimed that the said Palanisamy Gounder died on 20-09-10983 and applied to the Coimbatore North Revenue Divisional Officer on 15-06-2022 to register his death again. Based on false information, the accused obtained a fake death certificate in the Periyanaickenpalayam Town Panchayat death register on 23-09-2022. To register the aforementioned fake death certificate, the 1<sup>st</sup> accused, submitted an affidavit dated 17-05-2022. Furthermore, A-1 to A-3 have given a written statement to the registrar falsely stating that Palanisamy Gounder died on 20-09-1983. It was A-1 who originally submitted an application stating that Palanisamy Gounder died on 17-06-1984 and registered it in the death register at the same Periyanaickenpalayam Sub-Registrar's Office. Although A-1 to A-3 knew well that Palanisamy Gounder did not die on 02-09-1983, with the sole intention of misappropriating the property, they gave false statement, cheated the Revenue Divisional Officer, and obtained a second forged death certificate. The aforementioned forged death certificate was submitted before the V Additional District Munsif, Coimbatore in O.S.No.426/2023 and they are trying to cheat the Court. Based on a complaint filed by the intervener, with the Coimbatore District Collector on 04-11-2022, after investigation, the Collector issued an order on 30-01-2023 cancelling the fraudulently registered death certificate of Palanisamy Gounder dated 02-09-2022. Furthermore, orders were passed to file a criminal case against A-1 to A-3 who gave false documents and registered the death. As per the order of the District Collector, the Periyanaickenpalayam Village Administrative Office, filed a complaint at the Periyanaickenpalayam PS on 27-03-2023. Based on the complaint, an investigation was conducted by the said police. While so, A-1 filed a writ petition in W.P.No.7068/2023 before the Hon'ble High Court, Madras against the order issued by the Coimbatore District Collector. The

Hon'ble High Court passed an order to file civil and criminal cases in the aforementioned petition. The Hon'ble High Court, Madras ordered that the civil and criminal proceedings for Writ Appeal No.1187/2024 should proceed simultaneously. This FIR has been registered against A-1 to A-3 on 12-02-2026, only after a contempt of court case was filed regarding police inaction. A previous complaint regarding the property dispute based on a Will was registered as CSR No.397/2023 at the Karamadai PS and was closed with instructions to seek a resolution through the Court. In this case, investigation is going on and under these circumstances if the petitioners are granted anticipatory bail, they will abscond and tamper the witnesses and strongly opposed to grant anticipatory bail to the petitioners.

4. The learned Public Prosecutor has submitted that A-1 and A-2 are brothers. A-3 is the sister of them. The defacto complainant is the son of another deceased sister of A-1 to A-3. One Palaniyappa Gounder died on 17-06-1984. A-1 had already obtained death certificate of the said Palaniyappa Gounder in the year 1984 itself and while so again the accused obtained fraudulently, the death certificate of said Palaniyappa Gounder in the year 2022. Therefore, the defacto complainant filed petition before the District Collector, Coimbatore. The District Collector ordered to take action since it is forgery. The accused filed writ petition before the Hon'ble High Court, Madras. The defacto complainant also filed another writ petition and obtained order to take criminal action. Since no action was taken due to the influence of the A-1's wife, he filed writ petition before the Hon'ble High Court, Madras to take criminal action against the accused. The defacto complainant has taken steps against the police for failing to register the FIR for a cognizable offence and the said petition is in 'live'. Now the case has been registered. The accused by obtaining a non-availability certificate from the Periyanaickenpalayam Sub Registrar Office, on 27-09-2022, obtained death certificate of the said Palaniyappa Gounder fraudulently in order to grab the property since the deceased had already executed Will in the year 1984, the accused obtained this fake death certificate fraudulently. Investigation is in prime stage and opposed to grant anticipatory bail to the petitioners.

5. Heard. As per the prosecution case, the accused conspired together, and created forged death certificate of the deceased to claim property. It is the main contention of the petitioners that, the death certificate is in the name of Palaniyappa Gounder, while the petitioners' father's name is Palanisamy Gounder and a civil suit is pending regarding the cancellation of a Will used by the defacto complainant to sell 3.92 acres of the petitioners' property and criminal proceedings were previously

deferred by the Hon'ble High Court, Madras and the defacto complainant misused a subsequent order to initiate this complaint and a petition to condone the delay in this regard is pending and in order to get unlawful gain, the defacto complainant lodged this false complaint and the petitioners are ready to abide any conditions imposed by this Court and pray for grant of anticipatory bail to them. Per contra, it is the contention of the defacto complainant that A-1 obtained a death certificate in 1984, suppressed it, and then fraudulently obtained another to disprove a Will executed in favor of the complainant and if the petitioners are granted anticipatory bail, they will tamper the witnesses and strongly opposed to grant anticipatory bail to the petitioners. The learned Public Prosecutor reported that investigation is in prime stage and opposed to grant anticipatory bail to the petitioners. After considering all the above said aspects, considering the nature of offence, nature of allegation, gravity of the offence and stage of the investigation, **this Court is not inclined to grant anticipatory bail to the petitioners at this stage.**

**Hence this petition is dismissed.**

This order is dictated to steno-typist, typed by her, corrected and pronounced by me on this 10<sup>th</sup> day of March, 2026.

PRINCIPAL DISTRICT & SESSIONS JUDGE,  
COIMBATORE.

**CC to :**

1. The Judicial Magistrate Court No.6, Coimbatore.
2. The Public Prosecutor, Coimbatore.
3. The Inspector of Police, DCB Police Station,
4. Counsel for the Petitioners/ Accused.
5. Counsel for the defacto complainant / intervener.