IN THE COURT OF JUDICIAL MAGISTRATE NO.1, SRIVAIKUNTAM

Present : Thiru. B.Dharaneether. B. A., L.L.M.,
Judicial Magistrate No.1,
Srivaikuntam.

Dated : Saturday, the 08th day of June 2026

C.M.P. No.1275 of 2025

Poovarasi ... Petitioner / Complainant

/Versus/

Thangamani and others ... Respondents / Proposed Accused

ORDER

This petition has been filed under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking a direction to the respondent police to register a First Information Report and investigate the allegations raised by the petitioner.

The case of the petitioner, in brief, is that the respondents, in connection with certain immovable properties and revenue records, had created false documents and had thereby committed offences of forgery, cheating and other connected offences. It is further alleged that certain revenue and registration officials were also involved in the alleged creation of documents. On that basis, the present petition has been filed seeking a direction for registration of FIR.

On receipt of the petition, this Court had called for a report from the police. The petition remained with the police for enquiry for a considerable period. Thereafter, a report was filed. In order to ascertain the basis of the report, the Sub-Inspector of Police, Kurumbur Police Station, who filed the report, was examined before this Court as P.W.1.

P.W.1 has stated that he is working as Sub-Inspector of Police in Kurumbur Police Station and that he conducted enquiry in the present criminal miscellaneous petition and filed the report before this Court. In his evidence, he has stated that according to his enquiry the occurrence appeared to be true and that he had requested the Court to pass suitable orders for registration of FIR.

However, during the examination of P.W.1, this Court put specific questions regarding the basis on which he had concluded that the documents were forged and that the Sub-Registrar was involved in the alleged forgery.

Though P.W.1 stated that he came to know in his enquiry that the documents were forged, he admitted that he had not verified the computer records maintained in the office of the Sub-Registrar. He further admitted that during the relevant period, photographs of the executants and claimants were being captured in the Sub-Registrar Office at the time of registration of documents. However, he admitted that he had not verified such photographs. He also admitted that he had not verified whether there was any forgery of signature, seal, thumb impression or impersonation in the Sub-Registrar Office records.

P.W.1 further stated that he gave his conclusion regarding the involvement of the Sub-Registrar on the basis of a report of the Village Administrative Officer. However, on verification of the police file made available before this Court, no such report of the Village Administrative Officer was found in the file.

The above admissions of P.W.1 are highly material. When a serious allegation of forgery is made in respect of registered documents, particularly when the involvement of a Sub-Registrar is alleged, the primary records to be verified are the registration file, photographs captured at the time of registration, thumb impressions, signatures, identity proof particulars, admission of execution endorsements, computer entries and connected records maintained by the Registration Department. Without verifying these basic records, no responsible conclusion can be drawn that a registered document is forged or that the Sub-Registrar was complicit in such forgery.

Forgery is not a mere expression of suspicion. There must be at least a prima facie indication of falsification of a document, forged signature, forged thumb impression, forged seal, fabrication of official record or impersonation of a person at the time of execution or registration. In the present case, no such specific foundational material has been placed before this Court. The petitioner has not shown which signature was forged, which thumb impression was forged, which seal was fabricated, which stamp paper was forged or who impersonated whom before the Sub-Registrar. The police report also does not disclose any such verified material.

The materials placed before this Court show that the dispute essentially relates to immovable property, title, revenue entries, patta proceedings and the validity or effect of certain documents. A person may dispute a registered document on the ground that the executant had no title or that the document is invalid or that revenue entries were wrongly made. Such matters may give rise to civil or revenue remedies. However, every dispute relating to title or patta cannot be converted into a criminal prosecution unless the essential ingredients of the alleged criminal offences are disclosed.

In the present case, except making a general allegation of forgery, the petitioner has not produced prima facie materials showing the commission of any cognizable offence requiring a direction under Section 175(3) BNSS. The enquiry report filed by the police also does not inspire confidence, since P.W.1 has admitted that he did not verify the most relevant and primary records necessary to ascertain whether any forgery or impersonation had actually occurred.

It is settled that the extraordinary power under Section 175(3) BNSS cannot be exercised mechanically merely because a party describes a civil dispute as a criminal offence. The Court must be satisfied that the complaint discloses the commission of a cognizable offence. In the absence of such prima facie material, a direction to register FIR would amount to permitting the criminal process to be used for settling a civil or revenue dispute.

Therefore, this Court is of the considered view that the present petition does not disclose sufficient prima facie material warranting a direction for registration of FIR under Section 175(3) BNSS. The petition is therefore liable to be dismissed.

At the same time, this Court is constrained to record that the manner in which the enquiry was conducted by P.W.1 is not satisfactory. The petition was kept pending with the police for a considerable period. Despite such time, the officer has given a report suggesting forgery and even involvement of the Sub-

Registrar without verifying the registration photographs, signatures, thumb impressions, computer records and other basic records maintained by the Sub-Registrar Office. Further, he has stated that he relied upon a Village Administrative Officer report, but no such report is found in the police file produced before this Court. Such casual conclusions, particularly against public officials, are not proper.

Hence, while dismissing this petition, this Court deems it appropriate to forward a copy of this order to the Deputy Superintendent of Police concerned for conducting necessary enquiry regarding the manner in which the enquiry was conducted by P.W.1 and for taking appropriate action, if any, in accordance with law.

In the result, this petition is dismissed. However, the petitioner is at liberty to work out her remedies before the competent civil or revenue forum in the manner known to law. The office is directed to forward a copy of this order to the Deputy Superintendent of Police concerned for necessary enquiry regarding the lapses in the police enquiry.

Directly typed and pronounced by me in open Court on this the 08th day of June 2026.

B DHARANEETHER

Digitally signed by B DHARANEETHER
Date: 2026.06.08 10:01:03 +0530

Judicial Magistrate No.I,
Srivaikundam.