



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 140 OF 2026
[ARISING OUT OF S.L.P. (CRL.) NO. 397 OF 2025]**

C.S. PRASAD

... APPELLANT(S)

VERSUS

C. SATYAKUMAR AND OTHERS

... RESPONDENT(S)

JUDGMENT

PRASHANT KUMAR MISHRA, J.

- 1.** Leave granted.

- 2.** The present Appeal arises out of the impugned order dated 22.10.2024 passed by the High Court of Judicature at Madras¹ in Crl.O.P. No. 10961 of 2023 filed under Section 482 of the Code of Criminal Procedure, 1973², whereby the High Court had proceeded to quash the proceedings against respondent Nos. 1 to 3 herein in C.C. No. 2 of 2023 arising out of FIR No. 229 of 2021 registered for offences under Sections 417, 420, 465, 468, 471 and 120B of the Indian Penal Code, 1860³ on the file of the learned Special Metropolitan Magistrate-I, Special Court for Exclusive Trial of Land Grabbing Cases, Allikulam, Egmore, Chennai.

¹ 'High Court'

² 'Cr.PC'

³ 'IPC'

3. The appellant herein is Dr. C.S. Prasad, the de-facto complainant, whereas the accused persons are Dr. C. Satyakumar, Dr. Swarnakumari (wife of Dr. C. Satyakumar) and Shri S. Ravi Chitturi (their son), who are respondent Nos. 1 to 3 respectively in this Appeal. Dr. Ranjith Chittoori, who is respondent No. 5 herein, is the nephew of respondent No. 1 and the appellant.

FACTUAL MATRIX

4. The record discloses that the present criminal proceedings arise out of a dispute rooted in the execution of three registered settlement deeds concerning valuable immovable properties situated in Chennai, originally owned by Late Dr. C. Satyanarayana and his wife Late Smt. C. Lakshmi Devi. The couple had three sons, namely, respondent No. 1 (elder son), the appellant herein, and Dr. C. Ranga Rao, who predeceased them in the year 2011. Dr. Ranjith Chittoori is the son of the predeceased Dr. C. Ranga Rao, and nephew of respondent No. 1 and the appellant.

5. During their lifetime, Late Dr. C. Satyanarayana and Late Smt. C. Lakshmi Devi are said to have executed three registered settlement deeds in respect of different properties. The first settlement deed was executed on 31.12.2010 bearing Document No. 2701 of 2010, settling property bearing R.S. Nos. 376/2 and 376/3 Part, Egmore village, Door No. 192, Poonamallee High Road, Chennai, in favour of their elder son, respondent No. 1. Thereafter, a second settlement deed came to be executed on 14.02.2012, registered as Document No. 535 of 2012, in respect of Plot No. 2441, T.S. No.384, Block No.I-D, Anna Nagar, Chennai. Subsequently, a third settlement deed was

executed on 30.03.2012, registered as Document No. 707 of 2012, in respect of Door No.57, New Avadi Road, Kilpauk, Chennai-10.

6. In the interregnum, on 28.03.2012, Late Dr. C. Satyanarayana executed a Power of Attorney⁴ in favour of respondent No. 1, authorising him to present documents for registration. The third settlement deed dated 30.03.2012 was accordingly presented for registration through the said PoA holder. Shortly thereafter, Late Dr. C. Satyanarayana passed away on 18.04.2012, followed by the demise of his wife Late Smt. C. Lakshmi Devi on 22.04.2012.

7. Two years later, in 2014, respondent No. 5 instituted O.S. No. 2190 of 2014 before the learned II Additional Judge, City Civil Court, Chennai, seeking declaration that the three settlement deeds dated 31.12.2010, 14.02.2012 and 30.03.2012 were null and void, along with a prayer for partition and separate possession of the properties. The appellant was arrayed as defendant No. 2 in the said suit and had entered appearance. However, the record reflects that he did not actively contest the proceedings and allowed the matter to proceed *ex parte* against him.

8. During the pendency of civil proceedings, the appellant lodged a Police complaint on 08.01.2020, alleging fraud, impersonation and forgery in the execution of the settlement deeds. After preliminary inquiry, the Police closed the complaint on 17.03.2020, treating the dispute to be of a purely civil nature. Thereafter, the appellant invoked the jurisdiction of the Magistrate

⁴ 'PoA'

by filing Crl.M.P. No. 13803 of 2021 under Section 156(3) of the Cr.PC. On 12.10.2021, the learned Magistrate directed registration of an FIR. Pursuant thereto, FIR No. 229 of 2021 dated 16.12.2021 came to be registered by the Central Crime Branch, Land Grabbing Cell, Egmore, Chennai, for offences under Sections 417, 420, 465, 468 and 471 of the IPC against respondent Nos. 1 to 3 herein and others.

9. Meanwhile, upon completion of the trial in O.S. No. 2190 of 2014, the Civil Court by judgment dated 24.01.2023 dismissed O.S. No. 2190 of 2014, upholding the validity of all the three settlement deeds. Aggrieved by the said decree, respondent No. 5 preferred A.S. No. 403 of 2023 before the High Court. By interim order dated 26.07.2023, the High Court had granted an order of injunction against respondent Nos. 1 to 3 restraining alienation of the properties during the pendency of the appeal.

10. On completion of investigation in FIR No. 229 of 2021, the Police filed a Final Report (FR-18/2023) dated 11.03.2023 before the learned Special Metropolitan Magistrate-I, Special Court for Exclusive Trial of Land Grabbing Cases, Allikulam, Egmore. The learned Magistrate took cognizance of the offences, and the case was registered as C.C. No. 2 of 2023.

11. Earlier, respondent Nos. 1 to 3 had filed Crl.O.P. No. 16932 of 2022 before the High Court seeking quashing of the FIR No. 229 of 2021. However, the said petition was withdrawn on 28.07.2022. After cognizance was taken on the Final Report, respondent Nos. 1 to 3 again approached the High Court by filing Crl.O.P. No. 10961 of 2023 under Section 482 of the Cr.PC seeking

quashment of the entire criminal proceedings pending in C.C. No. 2 of 2023 arising from FIR No. 229 of 2021.

12. *Vide* its order dated 22.10.2024, the High Court allowed Crl.O.P. No. 10961 of 2023 and proceeded to quash the criminal proceedings in C.C. No. 2 of 2023 *qua* respondent Nos. 1 to 3, holding *inter alia* that the ingredients of the alleged offences in FIR No. 229 of 2021 were not made out and that the allegations in the complaint amount to giving a civil dispute a criminal color. The High Court also noted that the appellant had suppressed material facts relating to the earlier civil proceedings in O.S. No. 2190 of 2014 initiated by respondent No. 5 in which the appellant was also a party. According to the High Court, all the three settlement deeds were executed during the lifetime of the original owners and were duly registered in accordance with law and that their validity had already been tested and upheld in a full-fledged civil trial by dismissal of O.S. No. 2190 of 2014 and that the appellant, despite being a party to the said suit, had consciously allowed it to proceed *ex parte* against him. Furthermore, the High Court noted that the appellant had knowledge of the impugned transactions since 2014, yet chose to initiate criminal proceedings only in 2020, after an inordinate and unexplained delay. In summation, the High Court was of the view that the continuation of criminal prosecution against respondent Nos. 1 to 3 would amount to misuse of the criminal justice process.

13. Aggrieved, the appellant has preferred the present Appeal challenging the quashing of proceedings against respondent Nos. 1 to 3 in C.C. No. 2 of 2023 arising out of FIR No. 229 of 2021.

SUBMISSION OF PARTIES

14. Learned counsel for the appellant has argued that the High Court had failed to take note of the fact that the PoA executed by Late Dr. C. Satyanarayana in favour of respondent No. 1 granted only limited authority for registration of the deeds. However, according to the learned counsel for the appellant, respondent No. 1 has misused the authority to execute the settlement deeds in his own favour.

15. Learned counsel for the appellant further submits that the PoA and the subsequent settlement deeds are fraudulent documents and are alleged to have been obtained by deceiving Late Dr. C. Satyanarayana. Learned counsel further highlights that the High Court had failed to take note of the mental state of Late Dr. C. Satyanarayana at the time of executing the settlement deeds.

16. Lastly, the learned counsel for appellant submits that the High Court had erroneously quashed the proceedings against respondent Nos. 1 to 3 on the pretext that the matter was a civil dispute. Learned counsel further submits that both civil and criminal proceedings can co-exist if the ingredients of the offence alleged are made out.

17. *Per contra*, learned counsel for respondent Nos. 1 to 3 has supported the impugned order passed by the High Court quashing C.C. No. 2 of 2023 arising from FIR No. 229 of 2021. Learned counsel argues that the present petition is a misuse of criminal process to re-open a family property dispute that has already been decided in civil proceedings in its judgment dated 24.01.2023 passed in O.S. No. 2190 of 2014.

18. Learned counsel points out that the appellant had full knowledge of the transactions since the filing of the said suit, and had deliberately remained *ex parte* in the civil proceedings. To supplement, learned counsel further points out that the complaint dated 08.01.2020 preferred by the appellant was grossly delayed, and was filed only as a retaliatory measure after the civil litigation.

19. Lastly, learned counsel has submitted that the offences alleged against respondent Nos. 1 to 3 in the complaint are not made out and the same was filed by the appellant only to harass respondent nos. 1 to 3.

ANALYSIS

20. We have heard the learned counsel for the parties and have carefully perused the material on record.

21. The short issue that arises for our consideration is whether the High Court erred in quashing the criminal proceedings against respondent Nos. 1 to 3 in C.C. No. 2 of 2023 arising out of FIR No. 229 of 2021.

22. The jurisdiction under Section 482 of the Cr.PC is extraordinary in nature and is to be exercised with great caution. This Court in catena of judgments has emphasised that the High Court must avoid usurping the function of a trial court or conducting a *mini-trial* when disputed factual questions attend the maintainability of a complaint. The only requirement is to examine whether the uncontroverted allegations, as contained in the FIR, taken at their face value, disclose the commission of any cognizable offence.

In ***State of Haryana and Others vs. Bhajan Lal and Others***⁵, a Division Bench of this Court had discussed about the scope of Section 482 of the Cr.PC as follows:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings

⁵ 1992 Supp (1) SCC 335

and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

(emphasis supplied)

23. Furthermore, in ***Neeharika Infrastructure Private Limited vs. State of Maharashtra and Others***⁶, a three-Judge Bench of this Court had held that the power to quash criminal proceedings must be exercised sparingly, and only where the complaint, even if accepted in full, discloses no offence or continuation would amount to abuse of process. This Court had issued the following directions to the High Courts to be kept in mind while exercising the power under Section 482 of the Cr.PC:

"Conclusions

33. In view of the above and for the reasons stated above, our final conclusions on the principal/core issue, whether the High Court would be justified in passing an interim order of stay of investigation and/or "no coercive steps to be adopted", during the pendency of the quashing petition under Section 482CrPC and/or under Article 226 of the Constitution of India and in what circumstances and whether the High Court would be justified in passing the order of not to arrest the accused or "no coercive steps to be adopted" during the investigation or till the final report/charge-sheet is filed under Section 173CrPC, while dismissing/disposing of/not entertaining/not quashing the criminal proceedings/complaint/FIR in exercise of powers under Section 482CrPC and/or under Article 226 of the Constitution of India, our final conclusions are as under:

33.1....

33.2. Courts would not thwart any investigation into the cognizable offences.

33.3. It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information

⁶ (2021) 19 SCC 401

report that the Court will not permit an investigation to go on.

33.4. The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the “rarest of rare cases” (not to be confused with the formation in the context of death penalty).

33.5. While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint.

33.6. Criminal proceedings ought not to be scuttled at the initial stage.

33.7. Quashing of a complaint/FIR should be an exception rather than an ordinary rule.

33.8 to 33.11....

33.12. The first information report is not an encyclopedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure.

33.13 and 33.14....

33.15. When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482CrPC, only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR.

.....”

(emphasis supplied)

24. On these lines, it is apt clear that even though the powers under Section 482 of the Cr.PC are very wide, its conferment requires the High Courts to be more cautious and diligent. While examining any FIR, the High Court

exercising its power under this provision cannot go embarking upon the genuineness of the allegations made. The High Court must only consider whether there exists any sufficient material to proceed against the accused or not and must not be concerned with the reliability, sufficiency, or acceptability of the evidence.

25. Testing on the aforesaid parameters, we find that the complaint dated 08.01.2020 made by the appellant contains categorical allegations that respondent Nos. 1 to 3, by abusing the advanced age and medical vulnerability of the executants, caused the execution and registration of the three settlement deeds to their unlawful advantage, and thereafter used such documents as genuine for the purpose of deriving proprietary benefits. The allegations in the complaint also disclose dishonest intention at the inception of the transaction as well as fabrication and wrongful use of documents. At this stage, we must note that the High Court in its jurisdiction under Section 482 of the Cr.PC is bound to take the allegations on its face value. Whether these allegations can ultimately be proved is a matter strictly within the province of the Trial Court.

26. In the impugned order, the High Court has quashed the proceedings primarily on the ground that the validity of the settlement deeds has been upheld in the proceedings before the Civil Court. We are of the view that this approach adopted by the High Court is not correct. It is a settled principle of criminal jurisprudence that civil liability and criminal liability may arise from the same set of facts and that the pendency or conclusion of civil proceedings does not bar prosecution where the ingredients of a criminal offence are

disclosed. In **Kathyayini vs. Sidharth P.S. Reddy and Others**⁷, this Court had made it crystal clear that “*pendency of civil proceedings on the same subject matter, involving the same parties is no justification to quash the criminal proceedings if a prima facie case exists against the accused persons.*”

27. Adjudication in civil matters and criminal prosecution proceed on different principles. The decree passed by the Civil Court neither records findings on criminal intent nor on the existence of offences such as forgery, cheating, or use of forged documents. Therefore, civil adjudication cannot always be treated as determinative of criminal culpability at the stage of quashment. Moreover, in the case at hand, the civil proceedings have not attained finality.

28. Adjudication of forgery, cheating or use of forged documents in relation to a settlement deed will always carry a civil element. Therefore, there cannot be any general proposition that whenever dispute involves a civil element, a criminal proceeding cannot go on. Criminal liability must be examined independently. Respondent Nos. 1 to 3 were entitled to acquittal only upon failure of proof in the trial and not at the threshold jurisdiction under Section 482 of the Cr.PC. To permit quashing on the sole ground of a civil suit would encourage unscrupulous litigants to defeat criminal prosecution by instituting civil proceedings.

29. A further perusal of the impugned order would show that the High Court has also attached significance to the conduct of the appellant and the

⁷ 2025 SCC OnLine SC 1428 (Para 23)

delay of almost 6 years on his part in initiation of criminal proceedings without any plausible explanation. The High Court had noted that the appellant remained *ex parte* instead of participating in the civil proceedings in O.S. No. 2190 of 2014 of which he was already a party. Instead, the appellant had preferred a private complaint suppressing the fact that the settlement deeds are already a subject matter of the said suit. The High Court had found this conduct of the appellant to be in favour of respondent Nos. 1 to 3 and had proceeded to quash the proceedings against them. Before we express our opinion on this, it is apposite to reproduce the relevant observations of the High Court on this aspect:

“8. In the said suit O.S.No.2190 of 2014, the defacto complainant C.S. Prasad was arrayed as 2nd defendant. He had entered appearance through a counsel, but had not contested the suit neither he filed statement or adduced evidence challenging the validity of the registered documents. He remained *ex parte*. If really he had any material to establish that he was cheated by his elder brother by making false documents and forgery, he should have participated in the suit proceedings or atleast filed complaint immediately. He had filed a complaint to the Commissioner of Police only on 08.01.2020 and the same after enquiry was closed on 17.03.2020 as civil dispute. When his complaint was closed as dispute is civil in nature, the suit O.S.No.2190 of 2014 was pending. Hence, he had all opportunities to file application to set aside the *ex parte* order passed against him on 08.06.2015 and participate in the suit where the validity of the 3 settlements deeds were one of the issues under consideration.

9. Instead of participating in the civil proceeding, the private complaint filed on 12.10.2021 under Section 156(3) of Cr.P.C., suppressing the fact that settlement deeds are subject matter in the pending suit. In this regard it can be safely presumed that the 2nd respondent herein had knowledge about the settlement deeds if not earlier at least on the date of receipt of suit summons in O.S.No.2190 of 2014. Whereas no plausible explanation placed by him in his complaint for delay of 6 years in filing the complaint.”

(emphasis supplied)

30. We are not impressed with the above findings reached by the High Court. In ***Neeharika Infrastructure Private Limited*** (*supra*), this Court had made it clear that while exercising the powers under Section 482 of the Cr.PC, the High Court cannot undertake a roving inquiry into the disputed questions of fact or record findings on the merits of the allegations. On perusal of the above observations of the High Court, we find that the High Court has erred in law by embarking upon an inquiry with regard to the conduct of the appellant and credibility or otherwise of the allegations in the complaint and the FIR. Delay in filing a complaint, by itself, is never a ground for quashing criminal proceedings at the threshold. Whether the delay stands satisfactorily explained or whether it impacts the credibility of the prosecution, is a matter of appreciation of evidence before the Trial Court and not for summary determination by the High Court under Section 482 of the Cr.PC.

31. It is a settled proposition that when a factual foundation for prosecution exists, criminal law cannot be short-circuited by invoking inherent jurisdiction under Section 482 of the Cr.PC. Where allegations require adjudication on evidence, the proper course is to permit the trial to proceed in accordance with law. In the present case, the issues relating to the state of mind of the executants at the time of execution of the settlement deeds, the role of respondent Nos. 1 to 3 in the execution and the use of the settlement deeds, the existence of fraudulent intent, and the manner in which proprietary advantage was obtained by them, all require a full-fledged trial on evidence.

CONCLUSION

32. In light of the aforesaid discussion and for the reasons above, we come to the following conclusion:

- a) The Appeal is ***allowed***.
- b) The impugned order of the High Court dated 22.10.2024 passed in Crl.O.P. No. 10961 of 2023 quashing the proceedings in C.C. No. 2 of 2023 arising out of FIR No. 229 of 2021 is ***set aside***.
- c) C.C. No. 2 of 2023 shall stand restored for trial before the learned Special Metropolitan Magistrate-I, Special Court for Exclusive Trial of Land Grabbing Cases, Allikulam, Egmore, Chennai.

33. All contentions of the parties on merit are left open. We make it clear that none of the observations contained herein shall have a bearing on the main trial. The Trial Court shall independently arrive at its conclusion based on the evidence tendered before it.

.....J.
(SANJAY KAROL)

.....J.
(PRASHANT KUMAR MISHRA)

NEW DELHI;
JANUARY 08, 2026