

TAMIL NADU STATE JUDICIAL ACADEMY

**** VOL. XXI— PART 1 —JANUARY 2026****

IMPORTANT CASE LAWS



TAMIL NADU STATE JUDICIAL ACADEMY HEADQUARTERS, CHENNAI

No.30/95, P.S.K.R. Salai, R.A. Puram, Chennai – 600 028

Phone Nos. 044– 24958595 / 96 / 97 / 98 **Fax:** (044) 24958595

Website: www.tnsja.tn.gov.in **E-Mail:** tnsja.tn@nic.in / tnsja.tn@gmail.com

REGIONAL CENTRE, COIMBATORE

No.251, Scheme Road, Race Course,
COIMBATORE,

Tamil Nadu, India. PIN: 641 018

Telephone No: (0422) 2222610, 710

E-Mail: tnsja.rc.cbe@gmail.com

REGIONAL CENTRE, MADURAI

AlagarKoil Road, K. Pudur,

MADURAI,

Tamil Nadu, India. PIN: 625 002

Telephone No: (0452) 2560807, 811

E-Mail: tnsja.rc.mdu@gmail.com

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SUPREME COURT – CIVIL CASES

Manjunath Tirakappa Malagi and Anr. Vs. Gurusiddappa Tirakappa Malagi (D) Thr. LRs.) [Civil Appeal No. 5373 of 2025 (2025 INSC 517)]

Date of Judgment: 21.04.2025

Civil Procedure Code, 1908 – Order XXIII, Rules 3 and 3A read with Section 96(3) – Order II, Rule 2 – Compromise decree – Suit seeking invalidation of compromise decree as well as partition of ancestral property – Dismissed by Trial Court, confirmed in First Appeal – Held : Before passing a decree on the basis of compromise, Court has to satisfy itself that suit has been adjusted by a lawful compromise – Once Court passes compromise decree after such satisfaction, decree cannot be challenged in appeal as no appeal lies against compromise decree – Compromise decree cannot be challenged by filing fresh suit as there is bar on filing fresh suit challenging consent decree on the ground of legality of compromise and only remedy against compromise decree is to file recall application – Appellants' suit is barred under Order 2 Rule 2 of CPC as it did not include all properties which were part of their earlier suit – Present suit is also hit by principles of res judicata or by constructive res judicata as appellants cannot re-agitate their claim regarding partition of suit property which has already been partitioned as a result of previous litigations – Appeal dismissed – Judgments of Courts below are upheld.

The civil appeal has been filed by the appellants challenging the High Court's judgment and order which affirmed the dismissal of their suit seeking to declare a compromise decree null and void and for the partition of a 7-acre "suit property".

The dispute originated from a series of litigations regarding family property. Following a 1974 partition, the appellants filed a partition suit in 1998 against their parents. However, in 1999, their grandfather filed a separate partition suit claiming 7 acres were mistakenly omitted from the 1974 partition, leading to a compromise

decree in January 2000 that divided the land among the grandfather and his 6 sons, including the appellants' father. Consequently, the appellants' 1998 suit was decreed in 2002, granting them a share based on the father's portion from that compromise. In 2003, the appellants filed a fresh suit alleging the compromise was a result of collusion and fraud, asserting the land was their father's self-acquired property purchased by their grandmother. Both the Trial Court and the High Court dismissed the suit, leading to this appeal.

The appellants contended that the compromise decree was unlawful as they were not parties to it and their father had been coerced into the agreement. Conversely, the respondents submitted that the father represented the appellants' interests in the compromise and that the fresh suit was barred by the principles of res judicata, as well as under Order 2 Rule 2 and Order 23 Rule 3A CPC.

The Hon'ble Supreme Court noted that the property was joint family property purchased from family funds. The Court observed that before passing a decree on the basis of compromise, Court has to satisfy itself that the suit has been adjusted by a lawful compromise and if the Court passes compromise decree after such satisfaction, the decree cannot be challenged in appeal as no appeal lies against compromise decree. By following the position of law summed up in the earlier decision in *Pushpa Devi Bhagat v. Rajinder Singh*, (2006) 5 SCC 566, the Hon'ble Supreme Court reiterated that compromise decree cannot be challenged by filing a fresh suit as there is a bar on filing a fresh suit challenging consent decree on the ground of legality of compromise and the appropriate remedy is to file a recall application by the appellants' father before the Court, which had passed the decree. The Court further held that the suit was barred by Order 2 Rule 2 for failing to include all relevant properties and was "hit by the principles of res judicata or by constructive res judicata" as the matter had been previously litigated. Ultimately, the appeal was dismissed confirming the findings of the Trial court and High Court.

K.S.Manjunath & Ors. Vs. Moorasavirappa @ Muttanna Chennappa Batil, since deceased by his L.Rs. and Ors. [Civil Appeal Nos. 13507-13508 of 2025 (2025 INSC 1298)]

Date of Judgment: 10.11.2025

Civil Procedure Code, 1908 – Order VII, Rule 1, 11(d) and Section 9 – General Clauses Act, 1897 – Section 3(22) – Specific Relief Act, 1963 – Section 14, 19(b) and 16(c) – Appellants sought specific performance against respondents on the basis of an unregistered Agreement to Sell (ATS), who later purportedly terminated ATS citing pending litigation and death of one of the vendors and subsequently sold the suit property to the appellants – Trial Court dismissed the suit on lack of physical possession and bona fide on the part of subsequent purchasers – High Court reversed holding that the subsequent purchasers had knowledge about ATS and termination – Held : Notice of termination of ATS was not valid as ATS was non-determinable – If ATS was terminated unilaterally and not in accordance with an express termination right, appellants may sue directly for specific performance without seeking prior declaration regarding invalidity of termination – Termination for breach or default does not make the contract determinable within the meaning of Section 14 – Original vendees are able to demonstrate readiness and willingness– Appeals dismissed.

The civil appeals have been filed by the appellants/subsequent purchasers challenging the common judgment and order of the High Court, which set aside a Trial Court decree and granted the relief of specific performance of an Agreement to Sell (ATS) dated April 28, 2000.

The dispute originated from an unregistered ATS for 354 acres of agricultural land, for which the respondents/ original vendees paid a portion of the consideration. Execution was delayed by a partition suit filed by a relative of the vendors, during

which the vendors issued a legal notice of termination in 2003 citing the pending litigation and the death of one vendor. The respondents /original vendees replied, asserting their readiness and willingness and denying the validity of the termination. Shortly after the partition suit was withdrawn in 2007, the vendors sold the land to the appellants/ subsequent purchasers. Aggrieved respondents filed the suit. The Trial Court initially refused specific performance, finding the appellants to be bona fide purchasers, but the High Court reversed this, holding that the appellants had notice of the prior ATS and the termination was never legally concluded. Hence, the present appeals.

The appellants/subsequent purchasers contended that the suit for specific performance was barred by limitation, not maintainable as the original vendees failed to seek a declaration invalidating the 2003 termination notice, and unenforceable due to the indivisible nature of the ATS and the absence of all vendees. They also claimed to be bona fide purchasers who relied on information that the ATS had been terminated. On the other hand, the respondents/original vendees contended that the suit was within limitation, and that the appellants were not bona fide purchasers. The respondents further asserted continuous readiness and willingness, alleging that the sale was intended to defeat their rights.

The Hon'ble Supreme Court observed that a unilateral termination of a non-determinable agreement is a repudiatory breach and does not require a separate declaratory relief for a suit of specific performance to be maintainable. The Court clarified that the ATS was not determinable in nature under Section 14 of the Specific Relief Act because it contained no clause for at-will termination or convenience. The Court found the appellants were not bona fide purchasers because they possessed the termination notice, yet they wilfully abstained from making inquiries. The Court noted that the respondents /original vendees had successfully proven their continuous readiness and willingness through substantial payments and active participation in land formalities. The Court held that the termination was invalid and the ATS remained alive and executable. While dismissing the appeal the

Supreme Court upheld the High Court's decision to decree the suit for specific performance in favor of the respondents /original vendees, and directed the respondents /original vendees to pay the appellants the balance sale consideration interest, along with an additional amount of Rs. 5 Crores.

Rajeswari & Ors. Vs. Shanmugam & Anr. [Civil Appeal No. 13835 of 2025 (2025 INSC 1329)]

Date of Judgment: 19.11.2025

**Civil Procedure Code, 1908 – Order XXI, Rule 16 and Section 47—
Registration Act, 1908 – Sections 17(1)(e) and 17(1)(b) – Agreement to
sell – Whether registration of deed assigning decree for specific
performance of immovable property is mandatory – Deed assigning
decree for specific performance of immovable property obtained -
Execution petition filed – Trial Court dismissed the petition as assignment
deed was not registered – High Court reversed the order holding that
assignment need not be registered – Held : Deed assigning decree for
specific performance of immovable property does not require registration
– Registration is mandatory only for non-testamentary instruments
transferring or assigning any decree or order of a Court or any award –
Since the decree for specific performance does not create or purport to
create any right, title or interest in any immovable property, provision in
Section 17(1)(e) of the Registration Act would not be attracted –
Executing Court was erred in refusing to execute the decree on the
ground of non-registration – High Court had rightly set aside the order –
Appeal dismissed.**

The civil appeal has been filed by the appellants/legal heirs of the judgment-debtor challenging the judgment and order of the High Court, which set aside an Executing Court's order and held that an assignment deed for a decree of specific performance did not require registration.

The dispute originated from an ex-parte decree for the specific performance of an agreement of sale (ATS), which was granted in 1993. The original decree-holder assigned the decree to the first respondent in 1995. While the Executing Court initially directed the execution of a sale deed in favor of the assignee in 2008, it subsequently allowed an application by the appellants to set aside the execution.

The Executing Court had found that the assignment deed was compulsorily registrable under Section 17 of the Registration Act and was therefore unenforceable for want of registration. However, the High Court reversed this finding, ruling that the assignment was merely a right to derive benefits from the decree. Hence, the present appeal was brought before the Supreme Court.

The appellants/legal heirs contended that under Section 17(1)(e) of the Registration Act, the assignment of a decree is compulsorily registrable if it purports to create, assign, or extinguish any right, title, or interest in immovable property valued at one hundred rupees or more. They argued that a decree for specific performance creates such an interest and that allowing unregistered assignments would enable parties to evade registration charges through multiple assignments over time. On the other hand, the respondent/assignee contended that the decree itself does not create or transfer any right in the suit property, but only confers a right to obtain a sale deed through the process of law. The respondent further asserted that the contract between the parties is not extinguished by the passing of a decree and that ownership only passes once a registered sale deed is executed.

The Hon'ble Supreme Court observed that neither an agreement of sale nor a decree for specific performance creates any right, title, or interest in immovable property; such interest only passes upon the execution and registration of a formal deed of sale. The Court clarified that Section 17(1)(e) of the Registration Act only mandates registration for non-testamentary instruments transferring or assigning any decree or order of a Court or any award, if the decree itself purports to create or extinguish a vested or contingent interest in the property. Since a decree for specific performance is essentially a preliminary decree that recognizes a claim and keeps the contract alive, it does not elevate the decree-holder to the status of an owner. The Court noted that Order 21 Rule 16 of the CPC and Section 15 of the Specific Relief Act expressly permit the assignment of such decrees and contractual rights to representatives-in-interest. While dismissing the appeal, the Supreme Court upheld the High Court's decision and held that the assignment deed was valid

without registration, as it did not operate to create an immediate interest in the property.

G.R. Selvaraj (Dead) through LRs. Vs. K.J. Prakash Kumar and Ors. [Civil Appeal No. 8887 of 2011 (2025 INSC 1353)]

Date of Judgment: 25.11.2025

Civil Procedure Code, 1908 – Order XXI, Rules 21, 64, 66 and 90(3) – Execution of decree – Application seeking invalidation of sale – The appellants proceeded with the execution of a money suit decree by attachment and sale of the property belonging to the respondents – In auction sale, the deceased appellant as auction purchaser, deposited the sale amount and sale certificate was issued – Respondents filed an application to set aside the sale alleging that the reduction of upset price was done without notice – Dismissed and upheld in appeal – High Court set aside the sale on the ground that executing Court had not examined whether sale of a part of the property would have satisfied the decree - Held : After amendment, Order XXI, Rule 90(3) of CPC prohibits any ground being raised for setting aside sale if such ground could have been taken before the date of drawing up sale proclamation – Judgment debtors were put on notice at every stage and they participated to some stage and then refrained from doing so – Since judgment debtors failed to raise objection at the appropriate stage despite due notice, they would be barred from doing so belatedly – Finding of the High Court assuming that obligation under Order XXI, Rule 66(2)(a) of CPC would operate independently upon the executing Court, irrespective of lapse on the part of Judgment debtors, was erroneous – Appeal allowed – Executing Court's order confirmed.

The civil appeal has been filed by the appellants (legal representatives of auction purchaser G.R. Selvaraj) challenging the judgment and order of the High Court, which had invalidated an auction sale. The central legal conflict involves the interpretation of Order XXI Rule 90(3) of the Code of Civil Procedure (CPC) and

whether it bars judgment debtors from challenging a sale on grounds they failed to raise before the sale proclamation was drawn up.

The dispute originated from a money recovery suit, where a decree was passed for ₹3,75,000/- along with interest. To execute the decree, a property admeasuring 2120 sq.f was attached. Throughout the execution proceedings, the upset price was reduced multiple times due to a lack of bidders, and the judgment debtors were repeatedly served with notice of these changes. The property was eventually sold to G.R. Selvaraj for ₹11,03,000/-. At this juncture, the respondents /judgment debtors filed an application under Order XXI, Rule 90 seeking to set aside the sale alleging that the reduction of upset price was done without notice to them and the sale was not held at the spot, which was dismissed and confirmed in appeal. But the High Court held in favour of the respondents finding that the Executing Court had not examined whether the sale of a part of the property in question would have satisfied the decree in terms of Order XXI, Rule 66(2). Aggrieved by the same, the present appeal has been filed by the appellant/ auction purchaser.

The Hon'ble Supreme Court held that Order XXI Rule 90(3) CPC acts as a statutory bar preventing an applicant from seeking to set aside a sale on any ground that could have been taken on or before the date the sale proclamation was drawn up. The Court observed that while the executing court does have a duty to consider selling properties in parts, this duty does not absolve a vigilant judgment debtor from raising objections at the appropriate stage and that the finding of the High Court assuming that obligation under Order XXI, Rule 66(2)(a) of CPC would operate independently upon the executing Court, irrespective of lapse on the part of judgment debtors, was erroneous. Since the record proved the debtors were put on notice at every stage and acquiesced by taking no action before the sale, they were precluded from assailing its legality thereafter. Consequently, the Supreme Court allowed the appeal, set aside the High Court's judgment, and confirmed the findings of the execution court.

L.K. Prabhu @ L.Krishna Prabhu (D) Thr Lrs. Vs. K.T.Mathew @ Thampan Thomas and Ors. [Civil Appeal No. 23491 of 2025 (2025 INSC 1364)]

Date of Judgment: 28.11.2025

Civil Procedure Code, 1908 – Order XXXVIII, Rules 5 and 8 – Order XXI, Rule 58 – Transfer of Property Act, 1882 – Section 53 – Attachment before judgment – First respondent filed suit for recovery of money along with an application for attachment of property before Judgment – Attachment ordered – Third party purchaser claimed the property was purchased prior to the institution of the suit – Dismissed – Appellate Court directed to determine the claim relating to the amount to be payable to the purchaser – Held : Attachment before judgment cannot be extended to the properties already transferred prior to the institution of a suit – Claims of fraudulent transfer must be established under Section 53 of the TP Act – The allegations of fraud were not substantiated by evidence and mere suspicion was insufficient for claims under Section 53 - The trial Court exceeded jurisdiction in adjudicating fraud under attachment proceedings, which should protect third-party rights established prior to the attachment – Appeal allowed.

This civil appeal has been filed by the appellants (legal representatives of the original applicant) challenging the judgment and order of the High Court, which disallowed the claimant's title to a property and remanded the matter to the trial court to determine if any genuine sale consideration could be recovered from the debtor.

The dispute originated from a registered sale deed executed on June 28, 2004, in favor of the original applicant. After the property was transferred, Respondent No. 1 instituted a suit for recovery against the vendors and obtained an order of attachment before judgment. The original applicant sought the release of the property under Order XXXVIII Rule 8 of the CPC, but the trial court dismissed the claim, declaring the transfer fraudulent and collusive under Section 53 of the

Transfer of Property Act. Aggrieved by the High Court's decision to uphold the rejection of the claim petition while remanding for partial recovery, the appellants approached the Apex Court.

The appellants contended that attachment before judgment cannot be ordered over property transferred prior to the suit, as the court has no jurisdiction under Order XXXVIII Rule 5 CPC to declare such a sale collusive. They maintained that fraud must be proved by the alleging party and cannot be inferred merely on suspicion, where a registered sale deed for consideration exists. Conversely, the respondents contended that under amended Order XXI Rule 58 read with Order XXXVIII Rule 8 CPC, issues of title and interest must be decided within attachment proceedings themselves. They alleged the transfer was fraudulent and intended to defeat creditors, warranting adjudication during attachment proceedings.

The Hon'ble Supreme Court found that the original applicant's sale deed pre-dates the institution of the suit and therefore, the property did not belong to the defendant on the date of filing of the suit and therefore, attachment before judgment under Order XXXVIII, Rule 5 of CPC could not be extended to the property already transferred. Any claim under Order XXXVIII Rule 8 read with Order XXI Rule 58 CPC must be adjudicated recognizing the protective and procedural nature of attachment before judgment, without prejudicing the pre-existing rights of bona fide third parties. The Court also observed that determination of whether the sale deed is fraudulent, is exclusively governed by Section 53 of the T.P. Act and the claim petition procedure under Order XXXVIII Rule 8 cannot substitute or override the statutory safeguards and requirements of such substantive proceedings. Ultimately, the Apex Court allowed the appeal holding that the registered sale deed executed in favour of the original applicant is valid and the claim petition filed by the original applicant under Order XXXVIII, Rule 8 of CPC read with Order XXI, Rule 58 of CPC is sustainable.

SUPREME COURT – CRIMINAL CASES**Yogendra Pal Singh Vs. Raghvendra Singh @ Prince and Anr [Special Leave Petition (Criminal) No. 8075 of 2025 (2025 INSC 1367)]****Date of Judgment: 28.11.2025**

Criminal Procedure Code, 1973 – Section 439(2) – Indian Evidence Act, 1872 – Section 113-B – Offences punishable under Sections 498-A, 304-B and 328 of Indian Penal Code, 1860 read with Sections 3 and 4 of Dowry Prohibition Act, 1961 – High Court granted bail to the accused in the case involving unnatural death of daughter of the appellant/complainant within four months of marriage, allegedly due to dowry harassment – Application for cancellation of bail – Appellant, who is the father of deceased, was an aggrieved person and possessed *locus standi* to challenge the bail granted to the accused – Challenge is maintainable – Dying declarations of deceased to father and elder sister – Presumption under Section 113B of the Indian Evidence Act arose against accused – Despite such grave allegations, accused was arrested, after a delay of 104 days from lodging FIR – Such a delay reflected serious lapses in investigation and undue benefit to the accused – Judicial passivity or misplaced leniency in the face of such atrocities would embolden perpetrators and undermine public confidence in the administration of justice – Appeal allowed cancelling the bail granted to the accused.

The Criminal Appeal has been filed by the appellant, the father of the deceased Aastha, challenging the judgment passed by the High Court, which had granted bail to the first respondent (the deceased's husband). The appellant sought the cancellation of bail in connection with offences punishable under Sections 498A, 304B, and 328 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

The brief facts of the case is that the appellant's daughter died within four months of her marriage under highly suspicious circumstances after allegedly being

poisoned. It was alleged that the deceased was subjected to persistent mental and physical torture and harassment by the respondent and his family due to insufficient dowry and a demand for a car. On the night of her death, the deceased reportedly made a distress call to her sister, stating she had been forcibly administered a foul-smelling substance. The Forensic Science Laboratory (FSL) report later confirmed the presence of aluminium phosphide poison, and the post-mortem report noted an ante-mortem injury on her forearm. While the Sessions Court had dismissed the respondent's bail application, the High Court allowed it, prompting the father to appeal to the Supreme Court.

The appellant contended that the High Court ignored the seriousness of the offence and the statutory presumption under Section 113B of the Evidence Act, and argued that the husband's influential family compromised the investigation and risked witness tampering. On the other hand, the respondent claimed that the appeal was not maintainable as the bail order was reasoned, pointed to the delayed FIR, lack of call records, and the possibility of self-ingestion of poison; the State supported the appellant, asserting that witness statements corroborated the harassment.

The Hon'ble Supreme Court observed that the High Court erred by failing to consider the gravity of the offence and the statutory presumption under Section 113B of the Indian Evidence Act, which applies to dowry deaths occurring within seven years of marriage. The Court noted that the dying declarations made by the deceased to her father and sister, coupled with the proximity of the marriage to the death, established a strong prima facie case. The Supreme Court further observed that the sanctity of marriage has been eroded by the dowry system, which, though often disguised as voluntary gifts, has become a tool of material greed and social display, leading to the oppression and subjugation of women; dowry deaths are the most heinous manifestation of this evil, extinguishing the lives of young women within their matrimonial homes and striking at human dignity and the constitutional guarantees under Articles 14 and 21, and the Court highlighted that judicial leniency in such cases would embolden offenders, making a firm and deterrent response

essential to uphold the majesty of law and public confidence in justice. Finding that the High Court's order was perverse and unsustainable for ignoring relevant factors like the nature of the accusations and the strength of the evidence, the Apex Court allowed the appeal, set aside the High Court's order, and cancelled the bail granted to the respondent.

Tuhin Kumar Biswas @ Bumba Vs. State of West Bengal [Criminal Appeal No. 5146 of 2025 (2025 INSC 1373)]

Date of Judgment: 02.12.2025

Indian Penal Code, 1860 – Sections 341, 354C and 506 – Criminal Procedure Code, 1973 – Section 227 [Bharatiya Nagarik Suraksha Sanhita, 2023 – Section 250] – Wrongful confinement, outraging modesty, voyeurism and criminal intimidation – Appeal filed by the appellant / accused, who was charged for the offence U/Ss.341, 354C and 506 Indian Penal Code, 1860 – FIR and charge-sheet are completely silent about manner in which complainant was threatened with any injury to her person or her property – Words uttered by complainant are not mentioned in FIR – Even if allegations in FIR are taken at face value, ingredients of offence of criminal intimidation are not attracted – On the date of alleged offence, complainant had no right to enter the property – Induction of complainant as tenant in the property would have been in violation of injunction passed by Trial Court – Allegations in FIR and material on record at best constitute a cause of action for filing suit for injunction and/or application seeking modification of interim order already in subsistence or application for relief of ingress and egress in pending suit – Criminal proceedings against Appellant-accused for offences punishable under Sections 341, 354C, 506 of IPC cannot be permitted to continue – Appeal allowed with observations.

The Criminal Appeal has been filed by the appellant challenging the judgment passed by the High Court, which dismissed his revision petition against the Trial Court's order refusing to discharge him. The appellant sought discharge from a chargesheet filed under Sections 341 (wrongful restraint), 354C (voyeurism), and 506 (criminal intimidation) of the Indian Penal Code (IPC).

The brief facts of the case is that the complainant alleged the appellant intimidated her and restrained her from entering a property by clicking her pictures and

recording videos on his mobile without her consent. The chargesheet noted that the complainant expressed unwillingness to make a judicial statement, and no photographs or videos were placed on record to substantiate the voyeurism claim. Despite these factors, the Trial Court and High Court declined to discharge the appellant, holding that the truthfulness of the charges should be decided during the trial.

The appellant contended that the incident arose from a civil property dispute between his father and his uncle, who were joint owners under a court-ordered injunction to maintain joint possession and not create third-party interests, and that the complainant was not a tenant but a "prospective tenant" brought by his uncle to illegally dispossess his family in violation of the civil court's injunction. On the other hand, the respondent/ state submitted that there was sufficient material on record which made out a prima facie case against the Appellant-accused.

The Hon'ble Supreme Court observed that the allegations and the material on record failed to disclose the essential ingredients of the charged offences. Regarding the charge of voyeurism (Section 354C), the Court noted there was no allegation that the complainant was captured while engaging in a "private act," a necessary component of the statute. On the charge of criminal intimidation (Section 506), the Court found the FIR was silent on the specific manner or language used to threaten the complainant with injury. Furthermore, the Court ruled that wrongful restraint (Section 341) was not made out because the complainant had no legal right to enter the property at that time, and the appellant was merely acting in "good faith" to enforce a valid civil injunction. The Court further observed that indiscriminate filing of chargesheets and framing of charges, particularly in matters arising out of civil disputes, burdens the criminal justice system. The police, while filing a chargesheet, and the criminal courts, while framing charges, must act as effective filters and ensure that prosecution is initiated only where the material discloses a strong suspicion and a reasonable prospect of conviction. Proceeding with cases lacking such foundation results in wastage of judicial time, diverts scarce resources from

serious matters, and contributes to systemic backlog. While a detailed assessment of conviction is impermissible at the charge stage, the State ought not to prosecute citizens in the absence of a reasonable prospect of conviction, as doing so undermines the right to a fair process. Consequently, the Apex Court allowed the appeal, set aside the High Court's judgment, and discharged the appellant.

**Govind Mandavi Vs. State of Chattisgarh [Special Leave Petition (Criminal)
No. 13533 of 2025 (2025 INSC 1399)]**

Date of Judgment: 08.12.2025

Indian Penal Code, 1860 – Sections 302 read with 34 and 460 – Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 – Section 3 – Eyewitness – FIR omission – Credibility – Appellant along with co-accused were convicted for murder – High Court while upholding the conviction of appellant, acquitted the co-accused due to lack of evidence – Omission to mention the name the accused in the FIR significantly undermines the case of the prosecution and impacts the witness credibility, which necessitates for the acquittal of the appellant – Reliance on forensic evidence is insufficient without corroborative witness accounts – None of the recovered articles tested positive for any particular blood group – Appeal allowed, acquitting the appellant.

The Criminal Appeal has been filed by the appellant, challenging the judgment passed by the High Court, which upheld his conviction and sentence for murder while acquitting the other two co-accused.

The brief facts of the case are that the appellant was accused of murdering the deceased, one Bivan. The FIR was lodged by the deceased's father based on information provided by the deceased's wife (PW-2), who was the sole purported eyewitness. In the initial report, it was stated that two unknown masked persons had taken the deceased away and killed him. However, four days after the incident, while recording section 161 statement, the PW-2 alleged for the first time that she had identified the appellant because his mask came off during the assault. The Trial Court had convicted the appellant and co-accused for the offences punishable under sections 302/34, 460 IPC and Section 3(2)(v) of SC/ST Act, based on the testimonies of the witnesses and forensic evidence and sentenced them to undergo life imprisonment as major punishment. The High Court, while upholding the conviction of appellant, acquitted the co-accused due to lack of evidence.

The appellant challenged the conviction on the ground that his name was absent from the FIR despite the informant being an eyewitness, contending that the four-day delay in identification was implausible, that the claim of his mask falling off was a later embellishment born of family enmity, that the Test Identification Parade (TIP) was meaningless as he was already known to the witness, and that the forensic evidence was inconclusive. On the other hand, the State supported the conviction by arguing that the appellant was named at the earliest opportunity after the witness recovered from shock, that the delay was natural, and that the eyewitness testimony was reliable and corroborated by the TIP.

The Hon'ble Supreme Court observed that the initial version of events in the FIR contained no mention of a mask falling off or the identification of any specific individual. The Court noted that since the appellant was already well-known to the PW-2 as her husband's brother-in-law, the conduct of a TIP was a "clear manipulation" and served no legal purpose if she had already identified him. The Court highlighted that the omission of the accused's name in the FIR, despite the witness supposedly knowing his identity, was fatal to the prosecution's case and deeply undermined its credibility. Additionally, the Court determined that the recovery of blood-stained articles was inconsequential, as the forensic reports were inconclusive and failed to link the blood group to the deceased. Finding that the testimonies were filled with embellishments and contradictions, the Apex Court allowed the appeal, set aside the High Court's judgment, and acquitted the appellant.

The State of West Bengal Vs. Anil Kumar Dey [Criminal Appeal No. 5373 of 2025 (2025 INSC 1413)]

Date of Judgment: 10.12.2025

Prevention of Corruption Act, 1988 – Section 18A – Criminal Procedure Code, 1973 – Section 102 – Power to freeze bank account of accused person – Bank accounts and fixed deposits of the accused and his relatives were frozen by police authorities, during the investigation of the case of criminal misconduct of a public servant and his family members, alleging disproportionate assets beyond known sources of income – On challenge, the trial Court rejected the application for de-freezing, citing the need for proper procedure under law – High Court set aside the order, directing the accounts to be unfrozen – Powers under Section 18A of PC Act and Section 102 Cr.P.C. are not mutually exclusive – Power of seizure and attachment are separate and distinct, even if effect is same/similar which is, that property is taken into custody by authority, either investigative or judicial – Rights of parties emanating from statute for follow up action, left open to be adjudicated in appropriate proceedings before appropriate Court – Appeal allowed with observations.

The Criminal Appeal has been filed by the Appellant/ State, challenging the judgment of the High Court, which set aside a Trial Court order and directed the de-freezing of the respondent's bank accounts.

The brief facts of the case is that an investigation was initiated against the son of the respondent and his relatives, for possessing assets disproportionate to his known sources of income under the Prevention of Corruption Act (PC Act). During the investigation, several fixed deposits held by the respondent (the father) were frozen by the police under Section 102 of the Cr.P.C.. The Trial Court rejected the respondent's application for de-freezing. However, the High Court overturned this decision, ruling that the PC Act is a "code in itself" and that freezing could only be

sustained if carried out under the specific procedure of Section 18A of the PC Act, which has been challenged in this appeal.

The Appellant / State contended that the power of seizure under Section 102 Cr.P.C. and the power of attachment under Section 18A of the PC Act are not mutually exclusive but operate in distinct, complementary spheres, with seizure serving as a necessary tool to secure evidence during investigation without prior judicial approval. Per contra, the respondent argued that the PC Act is a code in itself, that there was no investigative need to freeze the accounts since bank statements had already been provided, and further claimed the seizure was legally flawed because it was not reported to the Magistrate forthwith as required by Section 102(3) Cr.P.C.

The Hon'ble Supreme Court observed that the power of seizure and the power of attachment are separate and distinct. The Court held that Section 102 Cr.P.C. remains applicable even in proceedings initiated under the PC Act, as the two provisions are not mutually exclusive. Furthermore, the Court clarified that the previous decision in *Ratan Babulal Lath*, which labeled the PC Act a "code in itself," did not constitute a binding precedent because it lacked a detailed analysis of the statutory scheme and its interaction with procedural laws. Consequently, the Apex Court allowed the appeal, set aside the High Court's judgment, and directed the respondent to re-deposit the funds or provide tangible security if the accounts had already been released.

Jothi @ Nagajothi Vs.The State, Rep. By The Inspector of Police [Criminal Appeal No. 259 of 2025 (2025 INSC 1417)]

Date of Judgment: 11.12.2025

Narcotic Drugs and Psychotropic Substances Act, 1985 – Sections 8(c) r/w 20(b)(ii) and 29(1) – Procedural lapses – Trial Court convicted the appellant for possession of commercial quantity of ganja and sentenced to undergo 10 years R.I. and a fine – Upheld by the High Court – Slight difference in the weight of the sample is not a material so as to undermine the prosecution case – Non-examination of independent witnesses and minor discrepancies in sample weight do not undermine the prosecution case where the testimonies of official witnesses are consistent and corroborated – The presence of minor procedural lapses does not undermine the prosecution's case if the overall evidence clearly supports the conviction in drug possession cases – Conviction and sentence confirmed.

The Criminal Appeal has been filed by the appellant, challenging the judgment of the High Court, which affirmed her conviction and sentence under the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

The brief facts of the case is that the appellant (A-2) and her husband (A-1) were intercepted while transporting 23.500 kg of ganja on a two-wheeler. Following the seizure, two samples were drawn at the spot and the accused were subsequently charged under Sections 8(c) r/w 20(b)(ii)(C) and 8(c) r/w 29(1) of the NDPS Act. The Trial Court convicted the appellant, sentencing her to 10 years' rigorous imprisonment and a fine of ₹1,00,000 for each count, a decision that was later upheld by the High Court, leading to the present appeal.

The appellant challenged the conviction on the grounds that the absence of independent witnesses undermined the seizure, that on-spot sampling violated Section 52-A of the NDPS Act, and that defects in markings and weight

discrepancies cast doubt on the sample identity, while alternatively seeking sentence reduction citing youth, first-offender status, and caregiving responsibilities; the State opposed the appeal, asserting that official testimonies were consistent and the chain of custody remained intact.

The Hon'ble Supreme Court observed that the non-examination of independent witnesses is not fatal to the prosecution if the testimony of official witnesses is found to be consistent and reliable, as it was in this case. Regarding the procedural requirements of Section 52-A, the Court clarified that sampling at the spot does not automatically void a prosecution unless the irregularity creates discrepancies that undermine the integrity of the seized substance. The Court found that the chain of custody remained intact, and the minor reduction in the weight of the samples was sufficiently explained by the natural loss of moisture over time. Furthermore, the Court held that it had no discretion to reduce the sentence below the statutory minimum mandated by the NDPS Act for commercial quantities, regardless of humanitarian considerations. Consequently, the Apex Court dismissed the appeal, upholding the conviction and sentence passed by the lower courts.

HIGH COURT – CIVIL CASES

A.Ravichandran Vs. Uma Maheswari [C.M.A. No.2685 of 2016] [2025 (3) TLNJ 641 (Civil)]

Date of Judgment: 19.09.2025

This Civil Miscellaneous Appeal was filed by the appellant/husband as against the fair and decretal order of the Family Court dismissing his original petition, seeking a decree of divorce on the ground of desertion under Section 13(1)(b) of the Hindu Marriage Act. The appeal challenges the order by which the Trial Court refused to grant divorce and held that desertion was not proved.

The marriage between the parties was solemnized in May 1991 and a female child was born thereafter. The case of the appellant before the trial Court was that the respondent/wife left the matrimonial home, did not return despite persuasion, and had been living separately along with the child. On this basis, he alleged that the respondent had wilfully deserted him and sought dissolution of marriage. He also relied on the long period of separation to contend that the marital relationship had broken down.

The respondent resisted the petition by stating that she was not guilty of desertion and that it was the conduct of the appellant which compelled her to live separately. She asserted that the appellant suspected her health, abandoned her, and later developed intimacy with another woman, with whom he lived as husband and wife and through whom a child was born. According to the respondent, she was forced to lodge a criminal complaint only after coming to know of this bigamous conduct. The respondent thus maintained that her separation was not wilful desertion but was justified due to the appellant's conduct.

Before the Trial Court, both sides let in oral and documentary evidence. The trial Court relied particularly on documents which showed that the appellant had married another woman and that a child was born through that relationship. It also took note of the settlement of ancestral property in favour of that woman. On this evidence, the trial Court concluded that the respondent had been forced to leave the

matrimonial home due to the appellant's conduct and therefore could not be blamed for desertion. Consequently, the petition for divorce was dismissed.

In the appeal, the appellant contended that the Family Court had erred in holding that desertion was not proved, especially when the parties had been living separately for several years. It was argued that the respondent herself admitted separation and that the trial Court had wrongly assumed reunion without sufficient proof. The appellant also referred to the status of the criminal proceedings and asserted that the relationship with the daughter was cordial.

The respondent, on the other hand, supported the findings of the trial Court and contended that the appellant, having maintained a parallel family and committed bigamy, could not allege desertion against his wife. It was argued that the evidence on record clearly showed sufficient cause for the respondent to live separately and that the appellant was attempting to take advantage of his own wrong.

The Court examined the limited issue involved in the appeal, namely whether the ground of desertion was made out. The Court emphasized that desertion under the Act must be wilful. It noted that where, due to the conduct of the husband, cordial cohabitation is denied to the wife, her separation cannot be termed desertion. The Court found that the evidence disclosed that the respondent had sufficient reason and justification to live separately in view of the appellant's extra-marital relationship and maintenance of a parallel family. The Court therefore found no error in the reasoning of the trial Court.

While dismissing the appeal, the Court held that the Trial Court had rightly concluded that the respondent was not guilty of wilful desertion and that the appellant was not entitled to a decree of divorce on that ground. The judgment of the Family Court was confirmed and the appeal was dismissed.

Amudham (died) and others Vs. Sakundhala (died) and others [A.S. No.418 of 2019] [2025(4) LW 894]

Date of Judgment: 06.10.2025

This First Appeal was filed by the appellant as against the Judgment and Decree passed by the Additional District Court, dismissing a suit for partition and related reliefs, for seeking to set aside the said judgment and for grant of partition in joint family properties.

The case arises out of a suit where the appellant, claiming to be a coparcener by birth, sought partition of ancestral and joint family properties. The appellant's case was that the suit properties were ancestral joint family properties, managed earlier by the family head and thereafter by the son, without any partition. It was contended that no valid partition had ever taken place, that certain properties standing in the name of one family member were acquired from joint family income, and that subsequent documents such as a Will and sale deeds were executed to defeat the appellant's lawful share. The appellant relied upon the amended Section 6 of the Hindu Succession Act, 1956, asserting equal coparcenary rights and contending that the suit was filed within limitation from the date such rights became enforceable.

The Trial Court dismissed the suit, holding that an oral family arrangement had taken place decades earlier, that the appellant had relinquished her rights, that the gift deed relied upon did not confer any enforceable right, and that the suit for partition was barred by limitation. Aggrieved by these findings, the appellant approached the Court by way of First Appeal.

The central issues before the Court were whether the suit properties were joint family properties or self-acquired properties, whether any oral family arrangement had in fact taken place, whether the suit was barred by limitation, what was the effect of the Will executed by one of the family members, and whether the appellant was entitled to a share under the amended Hindu Succession Act. The Court examined the concept of coparcenary, notional partition under the unamended

Section 6, and the scope and effect of the Hindu Succession (Amendment) Act, 2005. The Court emphasized that notional partition under the old law was only a legal fiction to ascertain shares and did not result in an actual disruption of the joint family. It also held that fluctuations in coparcenary continue until an actual partition takes place.

On limitation, the Court rejected the argument that the right to sue arose immediately upon the death of the family head decades earlier. It held that the appellant's right as a coparcener, though by birth, became enforceable only from the date of commencement of the amended Section 6, and that the suit filed thereafter was within the prescribed period. The Court also examined the Will and held that while it could be valid in respect of the testator's share, it was not binding on the appellant's coparcenary share. Similarly, sale deeds executed by some members were held not to bind the appellant beyond their own shares.

While partly allowing the appeal, the Court held that the Judgment and Decree of the Trial Court could not be sustained in full and set aside the same. The Court held that the appellant was entitled to partition and separate possession of her half share in the suit properties, except in respect of those items found to be self-acquired properties, and declared that the impugned alienations would not affect the appellant's share.

**A.Rathna Vs S.Ramalingam [C.R.P. No.4242 of 2025] [2025 (4) TLNJ
53 (Civil)]**

Date of Judgment: 07.10.2025

This Civil Revision Petition filed by the wife (revision petitioner) as against a docket order passed by the Family Court closing an application filed under Section 27 of the Hindu Marriage Act, 1955, for seeking return of articles and jewellery, and for setting aside that order.

The husband had earlier filed a petition for dissolution of marriage before the Sub Court, which was later transferred to the IV Additional Family Court, Chennai. After contest, the divorce petition was allowed. Aggrieved by the decree of divorce, the wife filed a Civil Miscellaneous Appeal, which is pending before Court. During the pendency of the divorce proceedings, the husband filed an application under Section 27 of the Act seeking return of articles and jewellery allegedly presented at or about the time of marriage. That application, however, was not decided along with the main divorce petition.

The Family Court disposed of the Section 27 application by a brief docket order stating that there was no material in evidence to decide the petition and therefore closed it, while granting liberty to the husband to pursue the relief in a pending maintenance case. The wife challenged this manner of disposal, contending that it was contrary to the mandate of Section 27, which requires the Court to make appropriate provisions regarding such property in the decree itself.

The Court examined the scope and wording of Section 27 of the Hindu Marriage Act and noted that the provision clearly contemplates the Court making provisions in the decree regarding property presented at or about the time of marriage. In the present case, the application under Section 27 was filed within the divorce proceedings themselves. The Family Court had recorded a finding that there was no material in evidence to decide the claim for return of articles and jewellery.

The Court held that once the Family Court reached such a conclusion, the only course open to it was to dismiss the application. Closing the application while

granting liberty to pursue the same relief in a maintenance case was found to be an improper and faulty approach. The Court further noted that the divorce had been granted without making any provision regarding the Section 27 claim, despite the statutory requirement.

At the same time, the Court observed that since the Family Court had already recorded a finding that there was no material to decide the Section 27 application, it was open to the husband to challenge that finding through appropriate legal means. As the wife's appeal against the divorce decree was already pending before Court, the husband was at liberty to raise his grievance by filing a cross-objection in those proceedings.

While allowing the Civil Revision Petition, the Court held that the docket order dated 24.07.2025 closing the Section 27 application was improper and unsustainable, set aside the said order, and clarified the liberty available to the husband to pursue his remedies in accordance with law.

Robert Correya Vs. P.Kanagaraj and others [S.A. No.1059 of 2019]
[2025(4) TLNJ 80 (Civil)]

Date of Judgment: 10.10.2025

This Second Appeal was filed by the plaintiff/appellant as against the judgment of the District Court, which had reversed the decree of the Trial court, seeking refund of an advance amount of Rs.5,00,000/- paid in a proposed sale of immovable property, along with interest.

The plaintiff paid an advance amount to the defendants pursuant to negotiations for sale of the suit property and received a receipt. According to the plaintiff, discrepancies were found in the extent mentioned in the title deeds and, despite repeated requests, rectification was done only in respect of one document and not all the relevant title deeds. As the title defects were not fully rectified, the plaintiff demanded refund of the advance amount. The defendants refused, contending that they were ready to complete the transaction, that the plaintiff was in default, and that the advance amount was liable to be forfeited.

The Trial court decreed the suit and directed refund of the advance amount with interest. The District Court, on appeal, reversed the decree and dismissed the suit, holding that the plaintiff had committed breach and that the defendants were entitled to forfeit the advance. The plaintiff therefore filed the present Second Appeal.

The Court examined whether the advance amount could be forfeited. It found that there was no concluded sale agreement and that the document relied upon was only a receipt acknowledging payment of advance. The receipt did not contain any clause treating the amount as earnest money or providing for forfeiture in case of default. The Court also noted that the title defects were not fully rectified and that there was no proof of any loss suffered by the defendants. In the absence of a clear forfeiture clause and a concluded contract, the advance amount could not be forfeited.

While allowing the Second Appeal, the Court held that the defendants were not entitled to forfeit the advance amount, set aside the judgment of the District Court, and directed refund of Rs.5,00,000/- to the plaintiff with interest at 6% per annum from the date of filing of the suit till realisation.

S.Veerappan (died) & another Vs. Saraswathi (died) & others [S.A. No.700 of 1994 and C.M.P. No.8297 of 1994] [2025 (5) L.W. 127]

Date of Judgment 17.10.2025

This Second Appeal filed by the appellant (11th defendant) as against the judgment of the District Judge, which had reversed the judgment of the Trial Court, for challenging the decree granting declaration of title, injunction, and recovery of possession.

The suit was filed by the plaintiff seeking declaration of title, permanent injunction, and recovery of possession based on a settlement deed dated 06.10.1933. Under the settlement, the properties were given to a husband and wife only for enjoyment during their lifetime, with a clear restriction against alienation, and with a direction that after their lifetime the properties should devolve upon their “சந்ததிஸ்”. The plaintiff claimed to be the only child of the settlees and asserted that she alone was entitled to the vested remainder.

During the lifetime of the male settlee, several alienations were made in favour of third parties, including the 7th item of suit property, which ultimately came to be purchased by the appellant. The plaintiff contended that these alienations could not operate beyond the lifetime of the settlee and sought recovery of possession after his death. The Trial Court dismissed the suit, but the District Court reversed the decision and decreed the suit in favour of the plaintiff.

In the Second Appeal, the appellant argued that the suit was barred by limitation, that the plaintiff ought to have set aside the sale deeds, that the alienation was valid, that title had been perfected by adverse possession, and that the term “re;jjp” did not include female heirs. The Court examined the settlement deed and held that it created only a life estate with no right of absolute alienation, and that any transfer made by the life estate holder would automatically come to an end on his death. The Court also rejected the pleas of limitation and adverse possession, noting that

the suit was filed soon after the death of the settlee, and held that “சந்ததிஸ்” includes both male and female descendants.

While dismissing the Second Appeal, the Court held that the alienations made by the life estate holder were valid only during his lifetime, that the plaintiff alone was entitled to succeed under the settlement deed, and that the judgment of the District Judge granting declaration, injunction, and recovery of possession stood confirmed.

HIGH COURT – CRIMINAL CASES

B.Pugazhenthhi Vs. State represented by Inspector of Police ACB, CBI, Chennai [Criminal Appeal No.323 of 2014] [2025 (3) MWN(Cr.) 239]

Date of Judgment: 08.10.2025

This criminal appeal filed by the appellant/accused as against the judgment of the Trial Court convicting him under Section 13(2) read with Section 13(1)(e) of the Prevention of Corruption Act, 1988, for seeking to set aside the conviction and sentence imposed for possession of disproportionate assets.

The prosecution case arose during investigation of a larger case relating to customs officials, where during a surprise check it was found that goods were released without proper adjudication and illegal gratification was involved. While that case was pending, the prosecution received information that the accused had amassed assets disproportionate to his known sources of income. A separate case was registered alleging that during the check period the accused had acquired assets far exceeding his lawful income. After investigation, a final report was filed alleging possession of disproportionate assets, and the case was taken on file by the Trial Court.

In appeal, the main dispute was not with regard to the assets at the beginning of the check period, but with regard to certain items included as assets at the end of the check period. The accused contended that some immovable properties standing in the names of his mother and relatives ought to have been excluded, as they were purchased from their independent sources of income, and that if those items were excluded, no disproportionate assets would remain. The accused also questioned inclusion of one property transaction which, according to him, had not been completed, and the inclusion of gold jewels.

The Court examined the evidence relating to each disputed item. With respect to the Tambaram property, the Court noted that though the property stood in the names of relatives, the evidence showed that the accused was instrumental in the purchase, was present during registration, and that the property ultimately came

back to his son through settlement deeds. The explanations put forward regarding family arrangements were found to be unsupported by any document and contradicted by evidence, leading the Court to conclude that the purchasers were only name lenders and that the property rightly belonged to the accused and was correctly included as his asset.

With regard to the Mahabalipuram plots, the Court considered the evidence of the vendor who clearly deposed that the accused paid the consideration in cash, including for the plot which was not finally registered. The seized money was found to have been deposited in connection with the main case. The Court found no credible explanation to disbelieve the vendor's evidence and held that these properties were also rightly treated as assets of the accused. As far as the jewels were concerned, the Court agreed with the Trial Court's approach in limiting the value taken into account.

After reworking the calculations, the Court found that one plot value required deduction, but even after such deduction, the accused was still in possession of assets disproportionate to his known sources of income. Thus, the core issue before the Court, namely whether the accused had satisfactorily explained the assets held in excess of income, was answered against him, and the finding of guilt was confirmed.

While partly allowing the appeal, the Court held that the conviction under Section 13(2) read with Section 13(1)(e) of the Prevention of Corruption Act, 1988 was correct and confirmed, but considering the age of the accused and the circumstances, modified the sentence by reducing the imprisonment to one-year simple imprisonment while confirming the fine and granting time to surrender.

Ramasamy Vs. The State of Tamil Nadu, Rep. by the Inspector of Police, Vadamadurai Police Station, Dindigul District and others [Crl. O.P.(MD) No.13075 of 2025] [2025 (3) MWN(Cr.) 382]

Date of Judgment: 14.10.2025

This criminal original petition filed by the petitioner as against the charge sheet and consequential proceedings pending before the District Munsif-cum-Judicial Magistrate Court, seeking to quash the same. The proceedings arose out of a complaint lodged by the complainant, who is the petitioner's daughter-in-law, based on which a criminal case was registered in the year 2013 for offences under Sections 294(b), 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, and after investigation, the final report was taken on file by the trial Court.

The petitioner contended that he was completely unaware of the pendency of the criminal proceedings for nearly twelve years and came to know of the case only upon service of summons in June 2025, after which he entered appearance before the trial Court. It was further submitted that the complainant was not inclined to pursue the matter and therefore continuation of the prosecution would serve no useful purpose. The Court, however, was struck by the fact that a case taken on file in 2013 resulted in service of summons only in 2025, and therefore called for the B-Diary of the trial Court as well as a report from the Superintendent of Police explaining the prolonged non-service of summons.

On examination of the B-Diary, the Court found that for years together, the case was repeatedly adjourned only for issuance of fresh summons, with endorsements that the accused was absent or that summons were not duly served, without any meaningful progress. The report of the Superintendent of Police revealed that summons was either not received, not acted upon by the concerned police officials, or not served due to the pandemic, and disciplinary action had been initiated against the erring personnel. A report from the Judicial Magistrate indicated that the present Magistrate had joined only in April 2025 and had thereafter acted promptly.

The Court observed that the trial had remained stalled for twelve years solely due to non-service of summons, and that the delay was attributable both to lapses on the part of the police machinery and the failure of the Court registry and the trial Court to ensure effective service. The Court noted that despite repeated directions for issuance of summons, there was no verification as to whether summons was actually served, no explanation was sought for non-service, and no alternative statutory measures were invoked. The police, on their part, failed to properly serve or return summons with reasons.

The Court referred to the relevant procedural framework governing service of summons, including the obligations under the police standing orders, the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 relating to substituted service, and the requirement under the Criminal Rules of Practice for returning unserved summons with an affidavit detailing the steps taken. These provisions, according to the Court, are intended to prevent exactly such stagnation of criminal proceedings, but were completely ignored in the present case, resulting in a breakdown of accountability between the police and the Court. While strongly expressing concern over the institutional failure and emphasizing the responsibility of both the police and the judiciary to ensure that criminal trials are not reduced to a mechanical exercise, the Court also noted the steps initiated by the authorities to prevent recurrence of such lapses, including disciplinary action and the introduction of e-summons.

While disposing of the case, the Court held that though there was an admitted and inordinate delay in service of summons on the petitioner, that by itself could not be a ground to quash the criminal proceedings, especially when the trial had already commenced and charges had been framed. The Court therefore declined to quash the proceedings, granted liberty to the petitioner to raise all his grounds before the trial Court, and directed that the trial Court shall proceed with the case uninfluenced by any observations made and conclude the trial within a stipulated period.

**Murugesan Vs. State by The Inspector of Police, Palladam Police Station,
Tirupur District [Crl. A. No.471 of 2021] [2025 (4) M.L.J. (Crl.) 462]**

Date of Judgment: 04.11.2025

This criminal appeal filed by the accused/appellant as against the judgment passed by the Trial Court, for seeking to set aside the conviction and sentence of life imprisonment imposed for the offence under Section 302 IPC.

The prosecution case was that the accused and the deceased, who were husband and wife, were residing together in a rented house. On the date of occurrence, a quarrel arose between them after the accused demanded money. Soon thereafter, the deceased was found inside the house with multiple stab injuries. The house owner and a neighbouring resident saw the accused running out of the house with a knife immediately after the incident. The deceased was taken to the hospital and was declared dead. A case was registered under Section 302 IPC, investigation was conducted, the weapon was recovered, and the final report was filed.

Before the Court, the accused contended that there were no eyewitnesses and that the case was based only on circumstantial evidence. It was argued that only the last-seen circumstance was established and that there was no evidence to show what transpired inside the house. The accused further contended that his confession to the police disclosed sudden provocation and loss of self-control and that the same could be relied upon in his favour to alter the conviction to Section 304 IPC.

The Court found that it was undisputed that the accused and the deceased were living together in the same house and that the deceased died inside the house due to multiple stab injuries caused by a knife. The medical evidence clearly established the nature of injuries and cause of death. The evidence of the house owner and neighbouring witnesses showed that the accused was seen running away from the house with a knife immediately after the occurrence. The Court noted that these witnesses were independent and that the FIR was lodged promptly without delay.

The Court held that when the accused and the deceased were the only persons inside the house and the deceased was found dead with multiple injuries, the burden was on the accused to explain what transpired inside the house. The accused failed to offer any explanation in his examination under Section 313 Cr.P.C. His conduct in fleeing from the scene and being arrested the next day was also taken into account. The Court concluded that the chain of circumstances was complete and proved the guilt of the accused beyond reasonable doubt.

On the legal issue regarding the use of the confession given to the police, the Court held that any statement or confession recorded during investigation under Section 161 Cr.P.C. is barred from use for any purpose under Section 162 Cr.P.C., except as specifically permitted by law. The Court held that such confession cannot be relied upon even in favour of the accused and rejected the plea of sudden provocation. The nature and number of injuries showed repeated attacks, clearly attracting Section 300 IPC.

While dismissing the appeal, the Court held that the conviction of the accused under Section 302 IPC and the sentence of life imprisonment imposed by the Trial Court were proper and did not warrant any interference.

Macharaja Vs. The State of Tamil Nadu, Rep. by The Inspector of Police, Soorangudi Police Station, Thoothukudi District & another [Crl.OP(MD) No.12922 of 2025] [2025 (3) MWN(Cr.) 450]

Date of Judgment: 11.11.2025

This criminal original petition was filed by the petitioner as against the registration of the first information report in a crime, for seeking quashing of the fir. The petitioner was one of the accused in the said crime registered by the police, and approached the court invoking its inherent jurisdiction to call for the records and quash the proceedings at the stage of FIR.

It was brought to the notice of the Court by the prosecution that the investigation in the crime had already been completed and that the final report had been filed before the Judicial Magistrate through e-filing, though it had not yet been taken on file. In view of this development, the Court expressed that it was not inclined to examine the prayer for quashing the FIR without looking into the materials forming part of the final report, and observed that it was open to the petitioner to challenge the final report in the manner known to law, if so advised.

At the same time, the Court noticed an unusual delay in the final report being taken on file, despite it having been filed several months earlier. This prompted the Court to call for a report from the Judicial Magistrate explaining the reasons for the delay. The report disclosed that the final report was repeatedly returned due to non-filing of certain required documents, that defects were pointed out, and that the report was re-submitted more than once, including physical re-submission, before it was finally taken on file.

Upon examining this explanation, the Court found that the procedure adopted was contrary to the Criminal Rules of Practice, which prohibit the return of final reports and require that defects be communicated through a memorandum while retaining the report on file. The Court also took note of the mandatory system of e-filing of charge sheets introduced by notification, and observed that acceptance of physical

re-submission and the manner of defect handling defeated the very object of digitisation and was inconsistent with the prescribed Standard Operating Procedure.

The Court then widened the scope of its consideration to examine the broader issue of pendency and mishandling of e-filed final reports within the districts under its jurisdiction. The data placed before the Court revealed serious inconsistencies, including cases not being taken on file, duplicate filings, and reports being rejected without assigning filing numbers. The Court also recorded the practical difficulties faced by both the police and the district judiciary in the process of e-filing and defect rectification.

In order to address these systemic issues, the Court initiated a coordinated, one-time exercise involving police officials and the Registry staff of Magistrate Courts to identify pending final reports with curable defects and to rectify them. This exercise was monitored through regular review meetings, and technical support was provided at the district level to ensure uniform understanding and implementation of the e-filing process. The Court noted that this exercise led to measurable improvement in the status of e-filed final reports.

The Court further identified common issues on the part of the police and the district judiciary, and recorded the corrective measures and remedial steps evolved during the exercise. Emphasis was placed on the responsibility of investigating officers to file error-free final reports, strict adherence to procedural requirements, proper scrutiny by courts, and continuous monitoring through periodic reviews.

While disposing of the Criminal Original Petition, the Court held that the solutions and best practices evolved during the exercise must be implemented in letter and spirit across all districts under its jurisdiction, and issued directions for regular review meetings and training to ensure sustained compliance and uniformity in the e-filing of final reports.

C.Saravanan Vs. State of Tamil Nadu, Rep. by The Inspector of Police, Dindigul AWPS Rural, Dindigul District & another [Crl.OP(MD) No.12300 of 2025 and Crl.MP(MD) Nos.9539, 9542 of 2025] [2025 (3) MWN(Cr.) 439]

Date of Judgment : 12.11.2025

This Criminal Original Petition filed by the petitioner/accused as against the proceedings pending before the Judicial Magistrate Court, for seeking quashment of the criminal proceedings.

The prosecution case arose out of a personal relationship between the petitioner and the defacto complainant. It was alleged that the petitioner, on the promise of marriage, had sexual intercourse with the defacto complainant from the year 2020 onwards and later refused to marry her, and also allegedly threatened her. Based on these allegations, a case was registered for offences under Sections 69 and 351(2) of the Bharatiya Nyaya Sanhita, 2023. The petitioner approached the Court contending that the relationship was consensual, that there was no deceit or false promise at the inception, and that criminal law was being invoked only after the relationship broke down.

The Court examined the materials on record and the rival submissions. The central issue before the Court was whether the continuation of a long-standing consensual relationship, which later ended without marriage, could by itself attract the offence under Section 69 of the BNS, which requires sexual intercourse by deceitful means or by a promise to marry made without any intention of fulfilling it. The Court emphasised that the crucial requirement is the existence of a dishonest or mala fide intention at the very beginning of the relationship, and not a mere subsequent failure to marry.

Relying on the principles laid down by the Supreme Court, the Court noted that a clear distinction has been consistently drawn between a false promise made from the inception and a mere breach of promise due to later circumstances. The Court also took note of the prolonged duration of the relationship, which spanned several years, and the fact that the defacto complainant was an educated adult and a practising Advocate, fully conscious of the nature and consequences of the

relationship. The Court found no material to indicate that the petitioner lacked intention to marry from the outset or that the consent was obtained by deception. With regard to the allegation of criminal intimidation under Section 351(2) of the BNS, the Court held that where the relationship between the parties was admittedly consensual and disputes arose only after the relationship ended, the ingredients of criminal intimidation were not made out. The alleged threats were viewed in the backdrop of a failed personal relationship rather than as conduct attracting criminal liability.

The Court further observed that consensual relationships between adults, even if accompanied by expectations of marriage, cannot be retrospectively converted into criminal cases merely because the relationship ends in discord. The criminal process, the Court held, cannot be used to moralise private conduct or to convert personal disappointment into prosecution, and the law intervenes only when consent is vitiated by coercion, deception, or incapacity.

While allowing the petition, the Court held that the continuation of the prosecution would amount to an abuse of the process of law, and accordingly quashed the proceedings pending before the Judicial Magistrate Court.
