



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 21555 of 2026

D.Kumar
S/o.Duraikannu,
No.12, Periyar Padhai,
Choolaimedu,
Chennai - 600094.

..Petitioner(s)/A4

Vs

1. The Superintendent of Police
Kanchipuram.
2. The Inspector of Police
District Crime Branch,
Kanchipuram.
3. The Inspector of Police
C.C.B, ACP-2, Team-1,
Tambaram Police Commissionerate,
Sholinganallur,
Chennai-600119.
4. R. Bhagwan Singh
S/o. Kalyan Singh,
133, 10th Cross Street,
Ranga Reddy Garden, Neelankarai,
Chennai – 600 041.

..Respondent(s)

Prayer: This Criminal Original Petition filed under Section 528 of BNSS., to call for records in CC No.900069 of 2013 pending on the file of the Judicial Magistrate Court – II, Chengalpattu and quash the proceedings as against the Petitioner/A4.



For Petitioner(s):

Mr.T.S.Charles

For Respondent(s):

Mr.M.Mohamed Riyaz,
Govt. Advocate (Crl. Side) for R1 to R3**ORDER**

The prayer in the Criminal Original Petition is to quash the final report in CC No.900069 of 2013 pending on the file of the learned Judicial Magistrate – II, Chengalpattu.

2. Upon perusing the material records of the case, the gist of the allegations is that the accused created fake patta and claimed that the land belongs to their grandfather Abraham and by producing a fake legal heirship certificate claimed title through which the property was ultimately conveyed to the petitioner / A4.

3. The learned counsel for the petitioner would submit that the Accused No.4 is only a bonafide subsequent purchaser. As a matter of fact, the sale deed was also already held to be fraudulent by the District Registrar by an appropriate order, which fact is suppressed by the prosecution in the trial. The prime accused A1 is also died. Many of the witnesses have also since died, the case is kept pending for the past 13 years without any progress and any further continuance of the case would be violative of the right to speedy trial of the petitioner in the instant case.

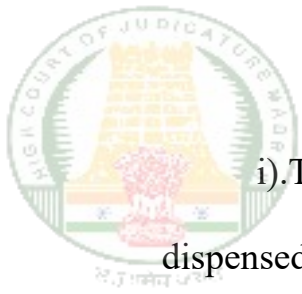


4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that only because of successive applications for discharge, the matter is kept pending. The petitioner has earlier filed Crl.O.P.No.272 of 2022 for quashing the proceedings. However, the proceedings were not quashed, but the case was ordered to be disposed of at an early date.

5. In reply thereof, the learned counsel for the petitioner submits that the next hearing is now posted to 11.08.2026.

6. I have considered the rival submissions made on either side and perused the material records of the case.

7. The Hon'ble Supreme Court of India in ***M.C.Ravikumar v. D.S.Velmurugan & Ors, 2025 SCC OnLine SC 1498*** has held that successive quash applications cannot be entertained by the High Court. Therefore, I am not in a position to consider the submissions made by the learned counsel for the petitioner, inasmuch as the earlier quash application has been considered by this Court and dismissed on merits on 14.6.2022. As far as the second contention that despite the direction, the case is kept pending is concerned, the said grievance can be redressed by issuing the following directions:



i).The presence of the petitioner before the trial Court shall stand dispensed with, except for the necessary hearings as may be insisted upon by the trial Court and in the hearings for which the petitioner is absent, he must be represented through counsel and due co-operation shall be given for the progress of the case.

ii).It is stated that the prime accused A1 is also died and several witnesses have also died. Therefore, the respondent police shall forthwith, on the next hearing, make an enquiry and place on record as to which are all the witnesses who are alive and which are all the witnesses who are died.

iii).The trial Court shall issue notices to the witnesses who are alive and also consider the earlier order dated 14.06.2022 made in Crl.O.P.No.272 of 2022 and take up the case within short intervals and complete the case as expeditiously as possible.

8. With the above directions, this Criminal Original Petition stands disposed of. The parties are at liberty to act on the web copy of this order.

06-08-2026

Neutral Citation: Yes/No

smv



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To

- 1.The Judicial Magistrate Court – II, Chengalpattu.
- 2.The Public Prosecutor, High Court of Madras.
- 3.The Superintendent of Police
Kanchipuram.
- 4.The Inspector of Police
District Crime Branch,
Kanchipuram.
- 5.The Inspector of Police
C.C.B, ACP-2, Team-1,
Tambaram Police Commissionerate,
Sholinganallur,
Chennai-600119.



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D.BHARATHA CHAKRAVARTHY, J.

SMV

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