

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.7834 of 2015

1.S.U.Sheik Mohamed
2.Maheswaran

.. Petitioners

Vs.

1.State represented by
Inspector of Police,
Central Crime Branch,
Team XVII, Egmore,
Chennai - 8.

2.P.Ramesh Babu

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.76 of 2013 on the file of Learned Metropolitan Magistrate, land Grabbing II, Periyamet, Chennai 600 003 and quash the same as against the petitioners.

For Petitioners :Mr.D.Thirumurthy
(No appearance)

For Respondents :Mr.C.Emalias,
No.1 Additional Public Prosecutor

For Respondents :Ms.G.Luthiya
No.2 for M/s.P.C.Harikumar Associates

ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.76 of 2013 on the file of Learned Metropolitan Magistrate, land Grabbing II, Periyamet, Chennai 600 003 and quash the same as against the petitioners.

2. There was no representation for the petitioners continuously. When the matter came up for hearing on 25.03.2015, it is represented that the matter was going to be settled between

the accused and defacto complaint and therefore, this Court adjourned it to 26.03.2015. From 27.03.2015, the matter was getting adjourned and it was posted to 30.04.2015. On that day, it was posted to 17.06.2015 under the caption for orders. Again from 17.06.2015, it was posted today for orders. Today also, there is no representation for the petitioners and the learned counsel appearing for the second respondent is ready.

3. On a complaint lodged by the defacto-complainant, the respondent police registered a case in Crime No.258 of 2011. After completing the investigation, the respondent police filed a final report before the learned XI Metropolitan Magistrate, Saidapet, Chennai. It has been taken on file as C.C.No.3161 of 2012 for offences under Sections 419, 420, 465, 467, 468, 471 r/w 120(b) I.P.C.

4. It is the case of the defacto-complainant that he has purchased 2,400 sq.ft(one ground) of housing plot in the name of his son P.Navin Babu in the year 2004. The said Navin Babu changed his name as P.R. Venkat and obtained loan by mortgaging the said plot with Kotak Mahindra Bank. On 13.04.2011, the defacto-complainant found some persons moving about the plot belonging to his son. When he made enquiries to the Sub-Registrar, he learnt that the accused created bogus sale deed document No.490 of 2011 for the purpose of usurping the land.

5. The police investigation shows the involvement all the accused herein for the offences. Hence, it is not a fit case to quash the proceedings as this case does not pass the test laid down by the Hon'ble Supreme Court in State of Haryana V. Bhajan Lal repored in 1992 Supp (1) SCC 335.

In the result, the criminal original petition is dismissed.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

sms

To

1.Inspector of Police,
Central Crime Branch,
Team XVII, Egmore,
Chennai - 8.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.P.C. Harikumar Associates sr.no. 34625.

Cr1.o.p.No7834 of 2015.

rj[col]
srg 23.07



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