

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2015

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.29247 of 2012

1.K.A.Thirupathiraja

2.K.T.Rajam

3.K.T.Srinivasan

... Petitioners

Vs.

1.State Represented by
Inspector of Police,
District Crime Branch,
Anti Land Grabbing Cell,
Salem.

2.N.Somasundaram

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Cr.P.C., praying to quash the FIR registered as Crime No.16 of 2012 under Sections 468, 471, 420 and 506 (i) I.P.C., by the first respondent.

For Petitioners	:	Mr.C.V.Vijayakumar
For Respondents	:	Mr.C.Emalias [for R1] Additional Public Prosecutor Mr.M.Sathish Kumar [for R2]

O R D E R

This Criminal Original Petition has been filed praying to quash the FIR registered as Crime No.16 of 2012 on the file of the first respondent.

2. Heard the learned counsel for the petitioner; the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel appearing for the second respondent.

3. Today, the Inspector of Police is present. The learned Additional Public Prosecutor submitted that the investigation has been completed in Crime No.16 of 2012 and closure report is ready and when it was filed before the Judicial Magistrate for Land Grabbing Act cases, it was returned on the ground that the G.O., constituting

the Special Courts has been quashed by the First Bench of this Court. The Hon'ble Supreme Court has only granted stay of trial. Except trial, other proceedings can go on.

4. Under such circumstances, the respondent Police is directed to file the closure report in Crime No.16 of 2012 before the Special Court for Land Grabbing cases and the learned Magistrate is directed to receive the closure report. The defacto-complainant shall be served with a copy of the closure report and liberty is given to the defacto-complainant to file a protest application before the learned Judicial Magistrate, Special Court for Land Grabbing Act Cases, Salem and pass orders in accordance with law laid down by the the Hon'ble Supreme Court in Vinay Tyagi v. Irshad Ali (2013 (5) SCC 762).

6. With the above direction, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

ds

To:

1.The Inspector of Police,
District Crime Branch,
Anti Land Grabbing Cell,
Salem.

2.The Public Prosecutor,
High Court, Madras.

1 cc to Mr. Joel, Advocate Sr.No.46736

1 cc to Mr. C.V.Vijaya Kumar, Advocate Sr.No.46901

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pmk.23.9.2015

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