

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.12573 of 2016
and Crl.MP Nos.6503 and 6504 of 2016

R.K.Senthilkumar ... Petitioner

Vs

1.State by

The Inspector of Police,
District Crime Branch,
Land Grabbing Wing,
Kanchipuram.

2.V.L.Radhakrishnan ... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in CC.No.56 of 2016 pending on the file of the learned Judicial Magistrate No.II, Chengalpet and to quash the proceedings as against the petitioner.

For Petitioner :Mr.V.Subramanian

For Respondents :Mr.C.Emalias,[for R1]

Additional Public Prosecutor

Mr.G.Mutharasu [for R2]

ORDER

This Criminal Original Petition has been filed to quash the proceedings in CC No.56 of 2016 on the file of the learned Judicial Magistrate No.II, Chengalpet.

2. Heard Mr.V.Subramanian, learned counsel appearing for the petitioner/accused (A7); Mr.C.Emalias, learned Additional Public Prosecutor appearing for the first respondent and Mr.Mutharasu, learned counsel appearing for the second respondent.

3. Today, Ms.D.Kannagi, Sub Inspector of Police, Anti Land Grabbing Special Cell, Kanchipuram is present.

4. Pursuant to the order dated 03.08.2016, passed by this Court, the parties have presented the deed of cancellation on 01.08.2016 and the deed of cancellation was registered as document no.8285/2016 in the Office of the Joint Sub-Registrar-

II, Chengalpet.

5. In view of the above, the prosecution of the petitioner/accused (A7) in C.C.No.56 of 2016 before the Judicial Magistrate No.II, Chengalpet, is hereby quashed. However, though the prosecution has been quashed against the petitioner, yet the petitioner can be taken as a prosecution witness in order to strengthen the prosecution case as against the other accused, who are responsible for dealing with the land of the de facto complainant.

6. Under such circumstances, liberty is given to the prosecution to file an application under Section 311 Cr.P.C. before the trial Court to include the name of the petitioner herein in the memo of evidence. An application for recording the statement under Section 164 Cr.P.C. can also be made before the Chief Judicial Magistrate, Chengalpet and in the event of order being passed, the petitioner is directed to give a statement under Section 164 Cr.P.C. before the Magistrate nominated by the Chief Metropolitan Magistrate, Chengalpet. A copy of the 164 statement so recorded shall be furnished to the accused as part of case papers.

7. The petitioner shall also co-operate with the de facto complainant for mutation of name in the revenue records and for cancelling the earlier patta and to get a fresh patta in the name of the de facto complainant.

In view of the above, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

ds

-s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To:

- 1.The Chief Judicial Magistrate,
Chengalpattu.
2. The Judicial Magistrate No.II,
Chengalpet.
- 3.The Inspector of Police,
District Crime Branch,
Land Grabbing Wing,
Kanchipuram.

4. The Tahsildar
Chegalpattu.

5.The Public Prosecutor,
High Court, Chennai.

+ 1 cc to M/s.S.M.Subramaniam, Advocate SR 48000

+ 2 ccs to Mr.G.Mutharasu, Advocate SR 47946

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prk29/8

CrI.OP.No.12573 of 2016
& CrI.MP Nos.6503 & 6504 of 2016



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