

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.Nos.23998, 23357 & 24075 of 2011
and
MP. Nos.1 & 1 of 2011

B.Dharanikumar ...Petitioner
(in Crl.OP.No.23998 of 2011)

Rajendra Raja ... Petitioner
(in Crl.OP.No.23357 of 2011)

1. B.Ranganathan
2. T.R.C.Venghatesh @ Gowri Sankar ...
Petitioners
(in Crl.OP.No.24075 of 2011)

Vs.

1. State Rep. by its
The Inspector of Police
T7, Avadi Tank Factory Police Station,
Avadi, Chennai.
2. G.Anitha Rani Deva Ananthu ... Respondents
(in Crl.OP.No.23998 of 2011)

1. State rep. by
Inspector of Police सतयमेव जयते
T-7, Tank Factory Police Station,
Avadi, Chennai-600 054.

2. G.Anitha Rani Deva Anandu
3. K.Bhooshan Ari
4. S.Vijaya Kumar,
5. K.Sarala ...Respondents
(in Crl.OP.Nos.23357 & 23998 of 2011)

PRAYER: Criminal Original Petition No.23998 of 2011 filed under Section 482 of Cr.P.C to call for the records relating to Crime No.245 of 2011 on the file of the respondent police and quash the same.

Criminal Original Petition No.23357 of 2011 filed under Section 482 of Cr.P.C to call for the records of the FIR comprised in Crime No.245 of 2011 on the file of the Inspector of Police, T7, Tank Factory Police Station, Avadi, Chennai-54 and quash the same as against all the accused.

Criminal Original Petition No.24075 of 2011 filed under Section 482 of Cr.P.C to call for the records of the FIR comprised in Crime No.245 of 2011 on the file of the Inspector of Police, T7, Tank Factory Police Station, Avadi, Chennai-54 and quash the same.

For Petitioner : Mr.J.C.Durairaj
(in Crl.OP.No.23998 of 2011)
: Mr.D.S.Ramesh
(in Crl.OP.No.23357 of 2011)
For Petitioners : Mr.K.S.Prabakaran
(in Crl.OP.No.24075 of 2011)
For R1 : Mr.C.Emalias
Addl. Public Prosecutor
(in Crl.OP.Nos.23998, 23357 &
24075 of 2011)

C O M M O N O R D E R

These criminal original petitions have been filed to call for the records in Crime No.245 of 2011 on the file of the 1st respondent police and quash the same.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the State / 1st respondent.

3. Today, Mr.G.Dillibabu, Inspector, T7, Tank Factory Avadi Police Station is present.

4. When these three matters were listed "for dismissal" before this Court on 23.11.2016, there was no representation for the petitioners. Hence these matters were directed to be posted today under the caption "for dismissal".

5. In these three petitions, the accused have challenged the FIR in Crime No.245 of 2011. Mr.Karthik, learned counsel appearing for the petitioner in Crl.OP.No.23998 of 2011 submitted that the petitioner is not involved in the offences and that the property in question does not belong to the de-facto complainant.

6. This Court carefully perused the FIR. The allegation in the FIR is that the property in question in Moorai village was usurped by the accused herein by threatening and driving away the original owners from the property. In this regard, a learned Single Judge of this Court (Honble Mr. Justice K. Chandru) passed two detailed orders dated 19.02.2013 and 20.02.2013 in WP.No.11317 of 2002 etc., batch and WP.No.7849 of 2010 etc., batch respectively, wherein the entire facts of the case involving illegal transfer of lands has been discussed in extenso. In fact on the request of the Inspector General of Police, the Inspector General of Registration has stopped registering any document relating to Morai Village. This order of the Inspector General of Registration has been upheld by this Court in the above writ petitions.

The 1st petitioner in Crl.OP.No.24075 of 2011 is a sitting MLA. Since there are sufficient materials for the investigation to proceed against the petitioners / accused, this is not a fit case to quash the prosecution in the light of the law laid down by the Supreme Court in State of Haryana Vs Bhajan Lal [(1992) Supp [1] SCC 335].

In the result, all these three petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police
T-7, Tank Factory Police Station,
Avadi, Chennai-600 054.
2. The Public Prosecutor,
High Court, Madras.

vsw (CO)
BB(27/12/2016)

Crl.O.P.Nos.23998, 23357 & 24075 of 2011