

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.9126 of 2016

1 C.R. Thirupathy Gounder
2 Govindaraj
3 C.R. Lakshmanan
4 Rani ... Petitioners

Vs

1 State represented by
Inspector of Police
District Crime Branch
Krishnagiri
2 M. Madhu ... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to C.C. No.3 of 2013 on the file of the Special Judicial Magistrate, Land Grabbing Cases, Krishnagiri and quash the same.

For petitioners Mr. J. Bharathiraja

For R1 Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records relating to C.C. No.3 of 2013 on the file of the Special Judicial Magistrate, Land Grabbing Cases, Krishnagiri and quash the same.

2 It is the case of the prosecution that the petitioners formed an unlawful assembly and trespassed into the property of the defacto complainant and threatened the defacto complainant with deadly weapons.

3 The learned counsel for the petitioners submitted that two suits are pending between the petitioners and the defacto

complainant in which they have entered into compromise and therefore, the prosecution is vitiated.

4 On a reading of the final report, there are prima facie materials for the trial to proceed further and the fact that the suits have ended in compromise cannot be a reason to quash the prosecution, unless the defacto complainant himself files a compromise memo for quashing the prosecution, as laid down by the Supreme Court in Gian Singh vs. State of Punjab [(2012) 10 SCC 303].

In the result, this Criminal Original Petition stands dismissed, as being devoid of merits. However, since the matter is of the year 2011, the Trial Court is directed to expeditiously conduct trial and complete the same within a period of six months from the date of receipt of a copy of this order. The petitioners are directed to cooperate in the trial and if the petitioners adopt dilatory tactics, it is open to the police to remand the petitioners/accused to custody under Section 309, Cr.P.C., as laid down by the Supreme Court in State of Uttar Pradesh vs. Shambhu Nath Singh, [JT 2001 (4) SC 319].

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

- 1 The Inspector of Police,
District Crime Branch,
Krishnagiri.
2. The Public Prosecutor,
High Court, Madras.

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