



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2016

CORAM:

THE HONOURABLE Dr.JUSTICE S.VIMALA

Crl.O.P.(MD)No.16393 of 2016

1.V.K.Gurusamy

2.M.S.Pandi

... Petitioners

Vs.

The State rep.by

1.The Inspector of Police,  
Anti Land Grabbing Special Cell,  
Madurai City.

2.T.Selvaraj

... Respondents

**PRAYER:** This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to C.C.No.3 of 2015 pending on the file of the Special Court for Land Grabbing Cases, Madurai, and quash the same.

For Petitioners : Mr.R.Gandhi for  
Mr.S.Muthu Anandha Krishnan

For Respondents : Mr.K.V.Rajarajan,  
Govt. Advocate (Crl.side) for R1

**ORDER**

This Criminal Original petition has been filed to quash the proceedings in C.C.No.3 of 2015 pending on the file of the Special Court for Land Grabbing Cases, Madurai.

2.At the instance of one T.Selvaraj, who is the 2<sup>nd</sup> respondent herein, the 1<sup>st</sup> respondent has registered a case in Crime No.61 of 2011 in respect of the offences under Sections 294 (b), 341, 448, 387, 465, 468, 471, 506(ii) r/w Section 120(B) of IPC. On completion of investigation, charge sheet has been filed before the Special Court for Land Grabbing Cases, Madurai.

3.It is the allegation of the de facto complainant that he was in occupation and enjoyment of a house property in Door No.1-A to an extent of one cent in Kamarajapuram, Madurai District. The de facto complainant's father had been in possession and maintained the house by collecting the monthly rent. After the death of the de facto complainant's father, the de facto complainant was in possession and management of the property. He has got the house tax receipt and has also transferred the patta

in his name.

4. On 13.02.2010 when the de facto complainant was carrying on maintenance work in the said property, the petitioners have stated to have gathered with an intention to grab the property and criminally trespassed into the property and also prevented the de facto complainant from receiving the rent.

5. On 09.03.2011 when the de facto complainant visited the property, the petitioners forcibly evicted the tenant and illegally encroached upon the property. The de facto complainant also ascertained that the petitioners created a forged document in respect of the above said property. It is submitted that charge sheet has been filed, which has taken on file in C.C.No.3 of 2015 by the learned Special Court for Land Grabbing Cases, Madurai.

6. Now it is submitted that the matter has been settled between the 2<sup>nd</sup> respondent and the petitioners. The de facto complaint present before this Court and would say that he is not interested to prosecute the case as the matter has been settled. An affidavit to that effect is also filed.

7. Issue between the parties do not have any public tranquility or public importance affecting any general public. The dispute is purely personal in nature and by quashing the proceedings, no injustice would be caused to the general public.

8. Under such circumstances, the proceedings in C.C.No.3 of 2015 pending on the file of the Special Court for Land Grabbing Cases, Madurai is ordered to be quashed. The Criminal Original Petition is ordered.

Sd/-

Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar

To

1. The Special Court for Land Grabbing Cases, Madurai.
2. The Inspector of Police,  
Anti Land Grabbing Special Cell, Madurai City.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.R.Gandhi, Advocate in SR.No. 50082

nbj

JA-SKS-RR-26.09.2016/2P:5C