



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2017

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.7301 of 2013

and

M.P.(MD)No.1 of 2013

1.Mercy Paramanathan
2.Isaac Rathinaraj
3.S.Edward Asir

... Petitioners/Accused 1 -3

Vs.

1.The State Rep. by its
The Inspector of Police,
City Crime Branch,
Tirunelveli City Police Station. ...1st Respondent/Complainant

2.K.A.Shanmugavel ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the impugned F.I.R. in Crime No.3 of 2012, on the file of the Inspector of Police, City Crime Branch, Tirunelveli City Police Station and quash the same.

For Petitioners : Mr.K.P.S.Palanivel Rajan

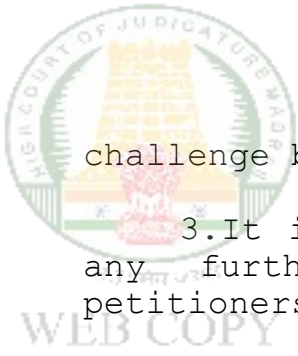
For R1 : Mr.K.Anbarasan
Government Advocate (Crl. Side)

For R2 : No Appearance

ORDER

This Criminal Original Petition has been filed to quash the proceedings relating to the impugned F.I.R. in Crime No.3 of 2012, on the file of the first respondent police.

2.Today, when the matter is taken up for hearing, the learned Government Advocate (Criminal side), on instructions, submitted that the investigation in Crime No.3 of 2012 has been completed and the charge sheet has been made ready on 17.06.2015 but, since it is a land grabbing case, the police have not submitted the final report to the learned Special Magistrate for Land Grabbing Cases, Tirunelveli, because the Hon'ble Apex Court has granted stay of all proceedings before the learned Special Magistrate for Land Grabbing Cases in Tamil Nadu, as the constitution of the said Court is under



challenge before the Hon'ble Apex Court.

3.It is seen that the first petitioner/A1 is 82 years old and any further delay will not only cause prejudice to the petitioners/accused, but also to the de-facto complainant.

4.Therefore, this Court directs the first respondent police to file the final report in Crime No.3 of 2012 before the Judicial Magistrate Court No.I, Tirunelveli, which is said to be the jurisdictional Court. The learned Judicial Magistrate No.I, Tirunelveli, is directed to take on file the final report in Crime No.3 of 2012 and deal with the same in accordance with law. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5.This Criminal Original Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub Assistant Registrar

To

- 1.The Judicial Magistrate No.I,
Tirunelveli.
- 2.The Inspector of Police,
City Crime Branch,
Tirunelveli City Police Station.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr. K.P.S.PALANIVEL RAJAN Advocate in SR. No. 94090
SMN2
JS/SV.MMS/SAR.2/03.01.2018/2P-5C

Cr1.O.P. (MD)No.7301 of 2013
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