

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Third day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.13068 of 2018

IN CRL OP.19528/2017

1 A.GURUSAMY [PETITIONERS 1 to 4 / PROPOSED
2 VASANTHA RESPONDENTS 3 TO 6]
3 V.PANDIAN
4 C.S.MURUGAN

Vs

1 THE STATE REP. BY [1st RESPONDENT / 1st RESPONDENT]
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH WING-16-A,
VEPERY, CHENNAI-600 007.

2 T.RAVICHANDRAN [2nd RESPONDENT / 2nd RESPONDENT]
TAHSILDAR,
SHOLINGANALLUR TALUK OFFICE,
SHOLINGANALLUR, CHENNAI.

3 R.S.BHASKARAN [RESPONDENT / PETITIONER]
GENERAL SECRETARY,
TAMIL NADU EX-SERVICEMEN AND PENSIONERS ASSOCIATION,
NO.1, ABDULLAH STREET,
CHOLLAIMEDU HIGH ROAD,
CHOLLAIMEDU, CHENNAI.

Petition praying that in the circumstances stated therein the High Court will be pleased to implead the petitioners 1 to 4 as respondents 3 in Crl.O.P.No.19528 of 2017.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.N.SUBRAMANIAN Advocate for M/S.G.MUTHARASU, Advocate for the petitioners, and of MR.C.RAGHAVAN, Govt. Advocate (Crl. Side) on behalf of the 1st Respondent, and of M/S.B.MOHAN Advocate on behalf of the 3rd Respondent, the court made the following order:-

On the complaint lodged by the Tahsildhar, Sollinganallur, the Inspector of Police, Central Crime Branch registered a case in Crime No. 354 of 2014 against the General Secretary and other office bearers of Tamil Nadu Ex-Servicemen and Pensioners Association on the ground that they had created encumbrances on the Government lands belonging to the Government.

2.Challenging the First Information Report, the General Secretary, Tamilnadu Ex-Servicemen and Pensioners Association filed Crl.O.P.No.19528 of 2017 and Crl.M.P.No.11797 of 2017 and sought interim stay of the investigation. The State entered appearance and contested the stay application. This Court heard either side and by a detailed order dated 18.06.2018 in Crl.M.P.No.11797 of 2017 in Crl.O.P.No.19528 of 2017, ordered stay of investigation after making the following observation in paragraph 9, which is extracted hereunder:

"9.In the opinion of this court, if this writ petition is allowed, then the Ex-Servicemen would get the allotments back. Under normal circumstances, this court would loath to interfere into the investigation by the police. However, in this case, the present investigation is linked with the claim of the petitioner to have the lands allotted to its members. The order of interim stay of investigation in Cr.No.354 of 2014 that was granted on 18.09.2017 is made absolute."

3.While so, the present Criminal Miscellaneous Petition has been filed by four petitioners including one C.S.Murugan, contending that they are the real office bearers of Tamilnadu Ex-Servicemen and Pensioners Association and they should be impleaded as party.

4.Heard learned counsel for the proposed impleading petitioners, the learned counsel for the petitioner/accused in Crl.O.P.No.19528 of 2017 and the learned Government Advocate (Crl. Side).

5.At the outset, this Court explained to the learned counsel for the proposed impleading petitioners that they are not necessary parties to this litigation because the de-facto complainant in this case is none other than the Tahsildhar of Sollinganallur and that he has been made as the 2nd respondent in the main quash application. That apart, even in the order dated 18.06.2018, this court has observed that there is internecine war between the present impleading petitioners and the accused in the case, with regard to control of the association. Thus, they both are rival parties and this is not a Public Interest Litigation for this Court to expand the scope of enquiry under Section 482 Cr.P.C by impleading all and a sundry. However, the learned counsel for the petitioner insisted that several facts have been suppressed by the main quash petitioner in his petition, which the present impleading petitioners wants to bring to the light of this Court. This apprehension is indeed misconceive, because the State represented by the Investigation Officer and the Tahsildhar who is the de-facto complainant are parties in the quash application and this Court would go into all the facts and only thereafter decide

the quash application. The Court cannot provide a platform for the present impleading petitioners to settle score with the quash petitioner in a proceedings under Section 482 Cr.P.C where the First Information Report is under challenge.

6.Hence, this petition is dismissed.

-sd/-
03/10/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH WING-16-A,
VEPERY, CHENNAI-600 007.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.G.MUTHARASU Advocate on payment of necessary charges SR NO.18613

Order

in
CRL MP.13068/2018

in
CRL OP.19528/2017

Date :03/10/2018

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MK:12/10/2018