

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.26985 of 2018

and

Crl.M.P.Nos.15569 & 15570 of 2018

1.Yesumarian
2.Fr.Jacob
3.Mani
4.Victor
5.Azhagesan
6.Micheal
7.Vincent
8.Rangan
9.Ramasamy
10.Sampath
11.Rayappan

...petitioners

...Vs...

The State of Tamil Nadu rep. By
Sub Inspector of Police,
Taluk Police Station,
Chengalpattu,
Kancheepuram District.
(Crime No.208 of 2017)

...Respondent

PRAYER:

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.225 of 2017 pending on the file of Judicial Magistrate No.II, chengalpet, and quash the same.

For Petitioners : Ms.Selvi George

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.225 of 2017, pending on the file of the Judicial Magistrate No.II, chengalpet.

2. The final report has been filed against the petitioners for offences under section 143, 188, 447 of IPC.

3. It is seen from the records that an order was passed by the Sub Collector of chengalpet and the Tashildhar of Thirukazhukundram, prohibiting any one from entering into the disputed property, which belongs to the Revenue Department, since the same is creating law and order problem in the locality. However, in spite of prohibitory order passed, it is the case of the prosecution that these petitioners had forcibly entered the place and therefore, a complaint has been given against these petitioners.

4. When the matter came up for hearing before this Court, in view of the allegation made against the petitioners, this Court directed the counsel for the petitioners to get instructions, as to whether each of the petitioners will file an affidavit before this Court stating that they will not enter the disputed property in future, without the permission of the District Administrative Officer.

5. The learned counsel sought time and the matter was posted today for hearing. Today, the learned counsel for the petitioners had filed before this Court, an affidavit filed by each of the petitioners. In the affidavit filed before this Court, each of the petitioners has specifically undertaken that they will not go to the disputed property or enter into the disputed property at Azalagusamuthiram in S.No.184/2, without getting prior permission from the concerned authorities.

6. In view of the specific undertaking given by each of the petitioners, this Court is of the considered view that no useful purpose will be served by keeping this proceeding pending. Almost all the petitioners are aged more than 60 years and it may not be required to keep the proceedings pending.

7. In view of the above development and in view of the fact that the petitioners have given a specific undertaking before this Court, the proceedings in C.C.No.225 of 2017 on the file of Judicial Magistrate No.II, chengalpet, is hereby quashed and the Criminal Original Petition is allowed. It is made clear that if any of the petitioners violate the undertaking given before this Court, they will subject themselves to contempt proceedings before this Court and it will also be open to the concerned authorities to initiate Criminal proceedings against the

petitioners in such an eventually.
miscellaneous petitions are closed.

Consequently, connected

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

ub/tta

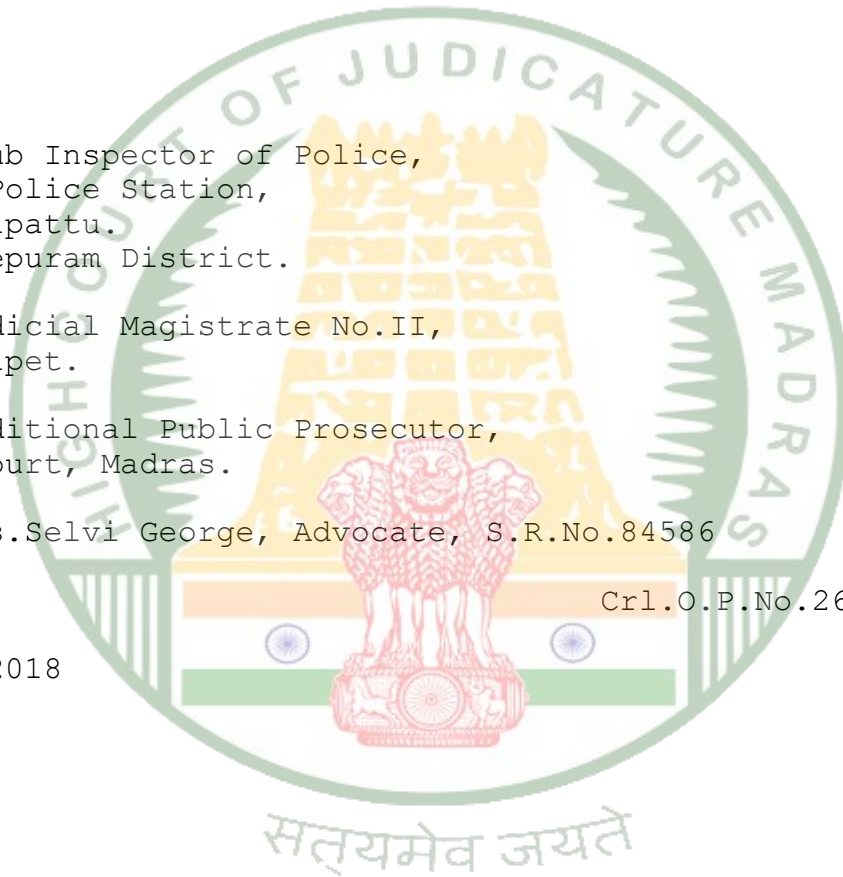
To

1. The Sub Inspector of Police,
Taluk Police Station,
Chengalpattu.
Kancheepuram District.
2. The Judicial Magistrate No.II,
Chengalpet.
3. The Additional Public Prosecutor,
High Court, Madras.

+1cc to Ms.Selvi George, Advocate, S.R.No.84586

Cr1.O.P.No.26985 of 2018

CS/12/12/2018



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