



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2018

CORAM

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Crl.O.P.(MD)No.11347 of 2013

and

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

1.Pattu
2.Elangovan
3.Veera Subramanian ... Petitioners/Accused No.1 to 3

Vs.

1.State Rep. by
The Inspector of Police,
District Crime Branch,
(Anti Land Grabbing),
Thanjavur. ... Respondent/Complainant

2.R.Swamiappa ... 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 Crime No.48 of 2011, dated 05.12.2011, on the file of the first respondent, Inspector of Police, District Crime Branch (Anti Land Grabbing), Thanjavur and quash the same as against the petitioners.

For Petitioners : Mr.M.Karunanithi
For R1 : Mr.A.Robinson
Government Advocate (Crl. Side)
For R2 : Mr.R.Anand

O R D E R

This Criminal Original Petition has been filed to quash the proceedings relating to the F.I.R. in Crime No.48 of 2011, 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.48 of 2011 has been completed and the final report has also been filed before the Special Court for Land Grabbing Cases, Thanjavur on 07.10.2014 and the same was returned by stating that this Court has already granted an order of status quo in respect of filing of charge sheet. Further, he added that the Hon'ble Apex Court has granted stay of all proceedings before the Hon'ble Apex Court. 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 aged about 68 years and any further delay will not only cause prejudice to the petitioners/accused, but also to the second respondent/de-facto complainant.

4.Therefore, this Court directs the first respondent police to file the final report in Crime No.48 of 2011 before the Judicial Magistrate Court No.I, Thanjavur, which is said to be the jurisdictional Court. The learned Judicial Magistrate No.I, Thanjavur, is directed to take on file the final report in Crime No.48 of 2011 and deal with the same in accordance with law.

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

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1.The Judicial Magistrate No.I,
Thanjavur.
- 2.The Inspector of Police,
District Crime Branch,
(Anti Land Grabbing),
Thanjavur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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JM/SKN RSK/SAR 4/23.02.2018/2P/4C