



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE
Crl.O.P.[MD]Nos.1988 and 2018 of 2019
and
Crl.M.P.(MD)Nos.1057 and 1064 of 2019

C.Chellabaskar : Petitioner in both petitions

Vs.

1.State rep. by
The Inspector of Police,
District Crime Branch,
Tirunelveli District.
(Crime Nos.76 and 77 of 2011)

..1st respondent in both petitions

2.S.Kanagaraj ..2nd respondent in Crl.O.P.(MD)
No.1988 of 2019

2.R.Saraswathi ..2nd respondent in Crl.O.P.(MD)No.2018 of 2019

COMMON PRAYER : Criminal Original Petitions are filed under Section 482 of Cr.P.C., to call for the records pertained to the impugned First Information Report in Crime Nos.76 and 77 of 2011 pending on the file of the learned first respondent and quash the same as illegal.

For Petitioner : Mr.R.Murugan
For R-1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)
For R-2 : Mr.F.X.Eugene
(for both petitions)

COMMON ORDER

These petitions have been filed to quash the proceedings in Crime Nos.76 and 77 of 2011 pending on the file of the learned first respondent arise out of land grabbing.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent police,

3. The learned Government Advocate submitted that the case has been charge sheeted before the Magistrate concerned and the same is not taken on file, since there is a stay on the Special Court by the Hon'ble Supreme Court.



4. The learned counsel for the petitioner submits that the petitioner is a Doctor and there are civil suits pending against the private respondents and the entire case is clear abuse of judicial process and notwithstanding filing of the final report, FIR can be quashed.

5. In view of the above submission, the petitioner is at liberty to challenge the charge sheet as and when the same is taken on file.

6. It is apparent that inasmuch as the civil suits are pending, the title of the petitioner is yet to be ascertained in the pending civil suits. Since the civil suit is pending since 2011, the petitioner is required to approach the trial Court to expedite the trial.

7. With the above direction, these criminal original petitions are disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T AND P)

// True Copy //

Sub Assistant Registrar

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To

1.The Inspector of Police,
District Crime Branch,
Tirunelveli District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.MURUGAN, Advocate (SR-51009[F] dated 01/03/2019)

+2 CC to M/s.F.X.EUGENE, Advocate (SR-51249 ,51250)

Cr1.O.P.[MD]Nos.1988 and 2018 of 2019