



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.12959 of 2015

and

M.P. (MD)Nos.1 and 2 of 2015

- 1.A.Syed Nazeer Ahamed
- 2.H.Tajudeen
- 3.Mallika
- 4.Sugumathi
- 5.Palanichamy

... Petitioners/Accused 1 to 5

Vs

- 1.The State of Tamil Nadu,
Rep. by its Inspector of Police,
District Crime Branch,
(Anti Land Grabbing Special Wing)
Karur.
Crime No.07 of 2012.

... 1st Respondent/Complainant

- 2.The Executive Officer,
Aravakurichi Town Panchayat,
Aravakurichi,
Karur District.

... 2nd Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to the proceedings in C.C.No.128 of 2019 on the file of the Judicial Magistrate Court No.II, Karur, against Crime No.07 of 2012 pending on the file of the first respondent police instituted against the petitioners/accused Nos.1 to 5 and quash the same as illegal.

For Petitioners : Mr.M.Boopathi Pandian

For R1 : Mr.A.Robinson
Government Advocate (Crl.side)

For R2 : Mr.NS.Karthikeyan



ORDER

The father of the first and second petitioner herein Thiru.Habibullah, promoted a lay out in Aravakurichi. As part of the lay out condition, the lands in question were earmarked for public purpose. The lay out promoter had passed away. Subsequently, the petitioners 1 and 2 herein executed a sale deed in respect of such an earmarked lands in favour of the petitioners 3 and 4. That led to lodging of the impugned criminal proceedings. Crime No.7 of 2012 was registered on the file of the District Crime Branch, Karur. Final report was filed and cognizance of the offences under Sections 406, 420, 468, 474 of IPC @ 406, 420, 468, 474 r/w 120 of IPC was taken and the case itself was taken up for trial in C.C.No.128 of 2013 on the file of the Judicial Magistrate No.II, Karur. To quash the same, this criminal original petition has been filed.

2.Heard the learned counsel on either side

3.It is seen that the offending transaction has subsequently been nullified. Both the vendors as well as the purchaser affirm before this Court that they have no claim whatsoever on the land earmarked for public purpose and they were gifted in favour of the local body namely the second respondent herein.

4. The learned Government Advocate (Crl.side) was also requested to verify if the land in question is vested with the local body or not.

5. Today, he made a submission, on instructions, from the first respondent that the lands in question are very much with the local body only.

6. The petitioner's counsel, on instruction, from the petitioners herein gave a solemn undertaking that they will abide by the terms of this order and will not make any claim whatsoever over the lands in question.

7. As rightly contended by the learned Standing Counsel appearing for the local body, the guilt of the petitioners is too obvious.

8.In view of the subsequent developments, namely, undoing of the offending documents, I am inclined to grant them relief. But then, the petitioners will have to put on terms.

9.The petitioner's counsel, on instructions, states that they will pay a sum of Rs.25,000/- as costs to the second respondent/Executive Officer, Aravakurichi Town Panchayat, Aravakurichi, Karur. This cost will be paid by the petitioner directly to the second respondent within a period of six weeks from



the date of receipt of a copy of this order.

10. With these directions, the impugned proceedings stand quashed. Hence, the criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate Court No.II, Karur.

2.The Inspector of Police,
District Crime Branch,
(Anti Land Grabbing Special Wing)
Karur.

3.The Executive Officer,
Aravakurichi Town Panchayat,
Aravakurichi, Karur District.

+1 CC to M/s.M.BOOPATHI PANDIYAN, Advocate (SR-98627[F] dated
15/11/2019)

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JMN(17.02.2020) 3P : 5C