

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No. 2940 of 2015

C.Palani

... Petitioner/Accused-1

Vs.

1.State represented by
The Inspector of Police,
Land Grabbing Preventive Cell,
District Crime Branch, Kancheepuram ,
Crime No.97/2012

2.K.Nagarajan

... Respondents/Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records relating to the impugned FIR in Cr.No.97/2012 on the file of the Inspector of Police, Land Grabbing Preventive Cell, District Crime Branch, Kancheepuram, the 1st respondent herein and quash the same insofar as it relates to the petitioner/A1 concerned.

For Petitioner : Mr.K.Premkumar

For Respondents : Mr.C.Iyyapparaj, APP

सत्यमेव जयते
O R D E R

This petition has been filed seeking to call for the records relating to the impugned FIR in Cr.No.97/2012 on the file of the Inspector of Police, Land Grabbing Preventive Cell, District Crime Branch, Kancheepuram, the 1st respondent herein and quash the same insofar as it relates to the petitioner/A1 concerned.

2.The case of the prosecution is that the defacto complainant is the owner of the property in S.F.No.281/1 ;and 2 Ayan Punjai, situate at No.113, Padappai village, Sriperumbudur Taluk, Kancheepuram District, measuring 24 cents, since the accused persons are interfering with the complainant's property with an intend to grab the same for which the defacto complainant filed a suit in O.S.No.2040 of

1989 before the District Munsif court at Poonamallee, for the relief of Declaration, and the said suit was decreed infavour of defacto complainant on 24.08.2010. As against the Decree, the aggrieved petitioner preferred an Appeal in A.S.No.48/2011 and the same was dismissed on 28.06.2011 and despite the said judgment and decree, the Acucsed alienated the defacto complainant's property and the same came to know to the defacto complainant, only in the year 2011. Thereafter the defacto complainant filed a compliant before the respondent police for the offence under sections 120 B, 465, 468, 471, 420 and 506(ii) IPC against the petitioners A1 and 8 other persons. Challenging the said complaint, the present petition has been filed by the petitioners.

3.The learned counsel appearing for the petitioners submitted that though initially first Appeal suit was dismissed for Non prosecution, however, by filing an application for restoration in I.A.No.634/2012 filed by appellants, the first appeal was restored into file on 26.03.2013 and it was allowed in their favour and the said order has become final and without knowing of the Appellate Court order, the law enforcing agency filed a charge sheet and it was unnumbered, and the petitioners have filed the petition, challenging the entire allegations which are alleged against the petitioners. However, subsequently the law enforcing agency conducted an investigation and filed a charge sheet before the judicial Magistrate Court and the learned Judicial court returned the file.

4.The learned counsel appearing for the petitioner would further submit that, it would be suffice, if this Court permits the petitioners to produce the copy of the judgment of the Appellate Court before the law enforcing agency to prove their innocence and issue direction to the law enforcing agency to consider the reply before rectifying the final report.

5.The learned Additional Public Prosecutor concedes to the request made by the learned counsel appearing for the petitioners and on instructions, he would further submit that the reply will be considered within the time frame fixed by this Court.

6.Considering the limited request made by the learned counsel appearing for the petitioner, this Court without going into the merits of the case, is inclined to issue direction to the law enforcing agency to consider the reply and materials in Crime No.97 of 2012, by giving opportunity to the

petitioners, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioners are directed to co-operate with the law enforcing agency. This criminal original petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

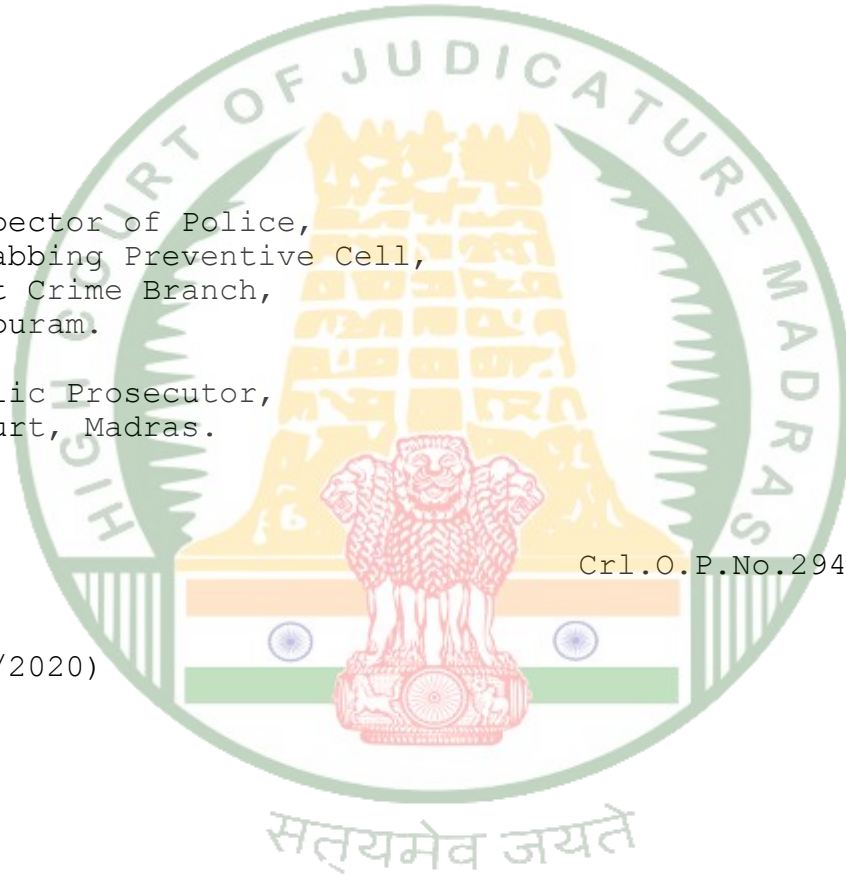
jrs

To

- 1.The Inspector of Police,
Land Grabbing Preventive Cell,
District Crime Branch,
Kancheepuram.
- 2.The Public Prosecutor,
High Court, Madras.

SVI (CO)
RSI (20/05/2020)

Cr1.O.P.No.2940 of 2015



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