



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.2107 of 2020

and

Crl.M.P. (MD)Nos.1064 and 1066 of 2020

T.Thangamuthu ... Petitioner/Accused No.1
Vs.
1.State represented through
The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
C.C.No.5/2018 ... Respondent No.1/Complainant
2.K.Kallathiyan ... Respondent No.2/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records relating to C.C.No.5 of 2018 on the file of the Special Court for Land Grabbing, Tirunelveli District and quash the same as against the petitioner is concerned.

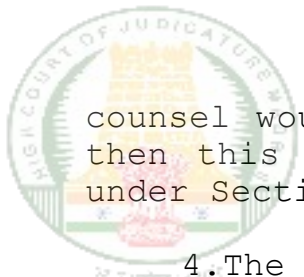
For Petitioner : Mr.T.Chandrasekaran
For Respondents : Mr.A.Robinson
Govt. Advocate (Crl. Side) for R1
M/s.D.Saravanan for R2

O R D E R

This criminal original petition has been filed for quashing the proceedings in C.C.No.5 of 2018 on the file of the learned Special Court for Land Grabbing Cases, Tirunelveli District. The second respondent is the defacto complainant.

2.The case of the prosecution is that on the strength of a bogus patta, the petitioner had executed a settlement deed in favour of his wife. The petitioner's counsel contended that the family of the defacto complainant had already executed a sale deed dated 20.11.1995 in favour of his father and that this prosecution is not maintainable.

3.This Court wanted to know if the survey numbers found in the offending document and the survey numbers found in sale deed dated 20.11.1995 are one and the same. It is not in dispute that survey numbers are not one and the same. But then the petitioner's



counsel would claim that the properties are one and the same. But then this would be a factual aspect and that cannot be gone into under Section 482 of Cr.P.C.

4.The core case of the prosecution is that the petitioner had made ready a bogus patta and on the strength of the same, the offending document was registered. But then the investigation has not even touched on that aspect of the matter. I find it very strange. Therefore, the first respondent is directed to file a petition under Section 173(8) of Cr.P.C., for conducting further investigation. The Court below is directed to allow the same. The scope of the further investigation will be confined to obtaining the information on the genuineness of the document in question.

5.With these directions and leaving open the rights of the petitioners, this criminal original petition stands dismissed. It is made clear that this Court has not gone into the merits of the matter. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1. The Presiding officer,
The Special Court for Land Grabbing Cases,
Tirunelveli District, Tirunelveli
- 2.The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.T.CHANDRA SEKAR, Advocate (SR-12232[F] dated 18/03/2020)

+1 CC to M/s.D.SARAVANAN, Advocate (SR-12313[F] dated 18/03/2020)

CrI.O.P(MD)No.2107 of 2020

17.03.2020

MK (08.06.2020) 2P 6C

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