



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

Crl.O.P (MD) .No.4594 of 2020

and

Crl.M.P. (MD) Nos.2599 and 2600 of 2020

WEB COPY

1.Chellathurai
2.Seromani
3.Kanakaraj

... Petitioners/Accused 2 to 4

Vs

1.The State Rep. by
The Inspector of Police,
Anti Land Grabbing Special Cell,
Kanyakumari District.
(Crime No.18 of 2012)

...1st Respondent/Complainant

2.Regabai

...2nd Respondent/Defacto
Complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in connection with C.C.No.499 of 2019, on the file of the Judicial Magistrate No.II, Kuzhithurai and quash the same as against these petitioners.

For Petitioners : Mr.N.S.Ramakrishna Dass

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

ORDER

The petitioners want this Court to quash the impugned proceedings in C.C.No.499 of 2019, on the file of the learned Judicial Magistrate No.II, Kuzhithurai.

2.The second respondent herein is the de-facto complainant. The prosecution case is that the properties in question belonged to one Saraswathi and that the accused had preferred a forged bill in her name and on that strength trespassed into the property.

3.The learned Government Advocate (Crl. side) states that the expert opinion is against the petitioners herein. I consciously refrain from considering the various contentions advanced by the petitioners' counsel as it may possibly prejudice to their defence in the trial. The Hon'ble Supreme Court in every recent decision made in *Crl.A.No.20 of 2010 (Padma Mishra vs State of Uttarakhand)* had observed that the Hon'ble High Court ought not to have



adjudicated the correctness of the allegations in the First Information Report. Of course, the petitioners have come to this Court only after the final report has been filed. But a consideration of the petitioners contentions will unnecessarily involve wading into a factual aspects. Such an exercise ought not to be undertaken, while considering the petition filed under Section 482 of Cr.P.C. Therefore, leaving open all the contentions and defences available to the petitioners, this criminal original petition stands dismissed. I make it clear that this Court has not gone into the merits of the matter.

4.The personal appearance of the petitioners before the Court below is dispensed with. The trial court shall not insist on their appearance unless it is necessary or imperative. Of course, they have to appear on three occasions, namely, to answer the charges, at the time of examination under Section 313 of Cr.P.C. and again, at the time of pronouncement of judgment On all other occasions, they shall be represented by their counsel. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

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Sub Assistant Registrar(CS)

sjj

To

1.The Judicial Magistrate No.II, Kuzhithurai.

2.The Inspector of Police,
Anti Land Grabbing Special Cell,
Kanyakumari District.

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

+1 CC to M/s.N.S.RAMAKRISNA DASS, Advocate (SR-12127[F] dated 17/03/2020)

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