



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 06.10.2020

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THE HONOURABLE MRS. JUSTICE R. THARANI

CrI. R.C.(MD)No.564 of 2020

Pandiyarajan

.. Petitioner

Vs.

The Inspector of Police,
Land Grabbing Special Cell,
Madurai District.

.. Respondent

Prayer : This criminal revision case filed under Section 397 of Cr.P.C., to call for the records in Cr.M.P.No.10/2016, dated 31.05.2018, on the file of the Special Judicial Magistrate, Special Court for Exclusive Trial of Land Grabbing Cases, Madurai and to quash the same as devoid of merits by allowing this Criminal Revision.

For Petitioner

: Mr.A.Haja Mohideen

For Respondent

: Mrs.S.Bharathi,

Government Advocate

ORDER

This Criminal Revision Case has been filed to set aside the order, dated 31.05.2018, passed by the learned Special Judicial Magistrate, Special Court for Exclusive Trial of Land Grabbing Cases, Madurai, in Cr.M.P.No.10/2016.

2. The petitioner lodged a complaint on 15.04.2009 and the FIR was registered in Crime No.141 of 2009 by the Inspector of Police, Land Grabbing Special Cell, Madurai. Subsequently, the respondent police filed a final report before the Judicial Magistrate, Melur. The petitioner filed a protest petition on 12.01.2016. That protest petition was dismissed by the trial Court on 31.05.2018 in Cr.M.P.No.10/2016. Against the same, the petitioner preferred this Criminal Revision Case.

3. On the side of the revision petitioner, it is stated that due to in charge arrangements and irregular sittings, the petitioner could not follow the trial proceedings. The trial Court failed to issue notice to the petitioner before dismissing the case. Opportunity was not given to the petitioner. The petitioner was not permitted to place his evidence. Dismissal of the petition amounts



to violation of the Article 21 of the Constitution and prayed the petition to be allowed.

4. On the side of the prosecution, it is stated that initially a case has been registered in Crime No.141 of 2009 and after enquiry, the respondent police closed the same as 'Action Dropped'. Since, the matter in issue is with regard to title, the petitioner has to be filed only before the civil Forum.

5. Heard the learned counsel on either side and perused the materials available on record.

6. It is seen that a FIR was lodged against four persons, but, the petitioner failed to implead those persons as respondents in this revision. In the final report, it is stated that the petitioner has not filed sufficient documents to prove the title after his predecessors, viz., Nachammal. Nachammal is one of the legal representatives of one Veerammal. The other accused are the other legal representatives of Veerammal and they claimed property through a partition deed. It is stated that the case is with regard to title which has to be filed before the civil Forum and action was dropped.

7. It is seen that the revision petitioner filed a protest petition and the protest petition was numbered as Cr.M.P.No.10/2016. On 31.05.2018, since there was no representation on the side of the petitioner, the petition was dismissed by the trial Judge. The entire 'B' diary extract was not filed by the petitioner. Only B diary extracts regarding the proceedings relating to 31.05.2018 alone was filed. The order clearly shows that already sufficient time was granted to the petitioner. Considering the nature of the offence and considering the absence of the petitioner before the trial Court, this Court is not inclined to allow the petition.

8. Accordingly, this Criminal Revision Case is dismissed. However, the petitioner is at liberty either to file a private complaint or to approach a civil Forum, if he is so advised.

Sd/-

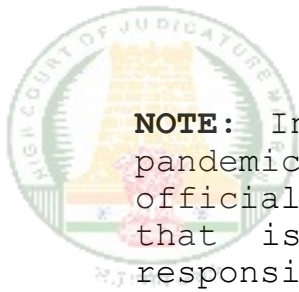
Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ls



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To

1. The Special Judicial Magistrate,
Special Court for Exclusive Trial of
Land Grabbing Cases,
Madurai.
2. The Inspector of Police,
Land Grabbing Special Cell,
Madurai District.

Copy to: The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C. (MD) No. 564 of 2020

06.10.2020

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