



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P(MD)No.14795 of 2020 and

Crl.MP(MD) Nos.7011 & 7013 of 2020

WEB COPY

Nagarajan

...Petitioner/ Accused 8

vs.

1.The State Represented by
Inspector of Police,
Anti Land Grabbing Special Cell,
Dindigul

...1st Respondent /Complainant

2.T.Nagarajan

...2nd Respondent / Defacto
Complainant

PRAYER: Petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the impugned charge sheet in CC No.27/2019 pending on the file of the Special Court for Exclusive trial of Land Grabbing Cases, Madurai and quash the same as against the petitioner.

For Petitioner : Mr.G.Karuppasamy Pandiyan

For R1 : Ms.S.E.Veronica Vincent
Government Advocate(Crl.side)

O R D E R

This Criminal Original Petition has been filed to quash the impugned charge sheet in C.C.No.27/2019 pending on the file of the Special Court for Exclusive trial of Land Grabbing Cases, Madurai as against the petitioner.

2.The case of the petitioner is that C.C.No.27/2019 is pending on the file of the Special Court for Exclusive Trial of Land Grabbing Cases, Madurai. The respondent/police registered a case under Sections 120(b), 147, 294(b), 420, 423, 447, 465, 468, 471 and 506(i) IPC. According to the petitioner, the alleged occurrence is said to have been taken place on 22.08.2012 but the FIR has been registered on 22.10.2013 and while registering the FIR, there were only 6 accused and after filing of the charge sheet, 12 accused were arrayed.

3.The case of the defacto complainant is that he has landed property in S.Nos.761/2, 761/1, 760/3 and 760/6. The accused 1 and 2 claimed right over the property and they executed a power of attorney in favour of A3. According to the defacto complainant,



the alleged power of attorney is said to be false, where, the petitioner stood as a witness and made his signature knowingly.

4.The learned counsel for the petitioner would state that the 2nd respondent/defacto complainant already lodged a complaint before the Superintendent of Police on 26.06.2013 and the same was closed after due enquiry. Thereafter, suppressing the closure of the above complaint, the present FIR came to be filed on 22.10.2013. The learned counsel for the petitioner would state that it is purely a civil dispute between A1 and A2 and he would also state that though the occurrence had taken place on 22.08.2012, FIR was lodged on 22.10.2013 and the charge sheet does not make out any offence against the petitioner and therefore, he would pray for quashing the charge sheet.

5.The learned Government Advocate(Crl.Side) would state that there is a specific allegation against the petitioner that the petitioner stood as a witness and made his signature in the power of attorney knowing that it is a false one and now the charge sheet has been filed and the grounds raised in the present petition can be gone into in the trial and therefore, the interference of this Court is not necessary.

6.Heard the learned counsel for the petitioner as well as the learned Government Advocate(Crl.Side) for the respondent/police. Since no adverse order is going to be passed, notice to the 2nd respondent is not necessary.

7.While invoking the power under Section 482 Cr.P.C for quashing a complaint or a charge, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. The Court may also be entitled to see (i) whether the preconditions requisite for taking cognizance have been complied with or not; and (ii) whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged.

8.Perusal of the charge sheet clearly states that there is a specific allegation against this petitioner that he stood as a witness and made his signature in the alleged power of attorney knowing well that it is a false and fabricated one and therefore, the grounds raised by the petitioner in the present petition can be gone into only in a full-fledged trial. Considering the facts and circumstances of the case, the learned Judge is directed to expedite the trial and dispose of the case as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order.



9. With the above direction, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

bala/vrn

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.

To:-

1. The Special Court for Exclusive trial of Land Grabbing Cases,
Madurai.
2. Inspector of Police,
Anti Land Grabbing Special Cell,
Dindigul.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P(MD)No.14795 of 2020 and
Crl.MP(MD) Nos.7011 & 7013 of 2020
Dated : 15.12.2020

KM (04.02.2021) 3P 4C