



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2020

CORAM:

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

Cr1.O.P. (MD) No. 4968 of 2018

and

Cr1.M.P. (MD) Nos. 2429 and 2430 of 2018

S. Navaneethakrishnan

... Petitioner/4th Accused

Vs

1. The Sub Inspector of Police,
Anti-Land Grabbing Special Cell,
Tirunelveli City.

... 1st Respondent/
Complainant

2. N. Jayanthi

... 2nd Respondent/
De-facto Complainant

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to direct the learned Chief Judicial Magistrate, Tirunelveli to dispense with the personnel appearance of this petitioner / 4th accused in C.C.No.136 of 2017 on its file.

For Petitioners : Mr.S.Selvakumar

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

For R2 : Mr.V.M.Jegadeesha Pandian

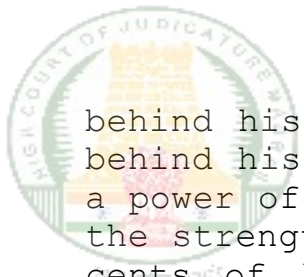
O R D E R

This Criminal Original Petition has been filed for quashing the proceedings in C.C.No.136 of 2017 on the file of the learned Chief Judicial Magistrate, Tirunelveli.

2. Heard the learned counsel on either side.

3. The facts that leading to the filing of this Criminal Original Petition are thus:

The property in question originally belonged to one Subbiah Konar. It measures 30 cents. Subbiah Konar died leaving



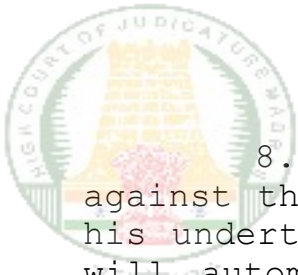
behind his son Paramasivam. Paramasivam also passed away leaving behind his wife Gomathi and her minor children. Gomathi executed a power of attorney in favour of one Jeyaraj. The said Jeyaraj on the strength of the power of attorney dated 30.05.1994 conveyed 20 cents of land to one Raj on 30.09.1996. On the same day, he conveyed 10 cents of land to one Vellaiyammal. Jayanthi, the complainant herein purchased 20 cents of land from Raj vide document dated 31.01.2008. Subsequently, the said Jayanthi the complainant herein, came to know that the first accused had cancelled the power granted in favour of Jeyaraj on 30.05.1998. Thereafter, she had sold the property in question in favour of A2 and A3. A2 and A3 in turn executed a power of attorney in favour of the petitioner herein on 29.04.2002. Jayanthi filed complaint before the Anti Land Grabbing Cell, leading to registration of Crime No.42 of 2012.

4. When the matter was taken up for investigation, the Investigating Officer filed final report before the Chief Judicial Magistrate, Tirunelveli, for the offences under Sections 120(b), 420, 423, 465, 468, 471 of IPC. Cognizance of the offences was taken and summons were issued to the four accused. The accused 1 to 3 did not appear to be filed any quash petition. The fourth accused alone has filed this quash petition.

5. At the commencement of arguments, the learned counsel for the petitioner submitted that the petitioner has realized that A1, after executing a power of attorney through one Jeyaraj had subsequently cancelled the same. But before such cancellation that took place on 30.05.1998, the property have already been sold. He, therefore wants to give up his claim on the land in question. The petitioner is ready to relinquish his agency. In other words, the petitioner will not lay any claim on the property in question. He has also not done anything pursuant to the power conferred on him by the accused 2 and 3. To that effect, he will execute documents within a period of four weeks from the date of receipt of a copy of this order.

6. Since the petitioner has come forward with such offer, I am of the view that the continuation of the impugned proceedings as far as he is concerned, may not be necessary. It is made clear that the petitioner would figure as a prosecution witness. The petitioner will truthfully narrate all these antecedent developments. This undertaking of the petitioner is also placed on record.

7. Therefore, the impugned proceedings in C.C.No.136 of 2017 on the file of the learned Chief Judicial Magistrate, Tirunelveli, stands quashed as far as the petitioner is concerned and this Criminal Original Petition stands allowed.



8. It is made clear that the prosecution will go on against the remaining accused. If the petitioner fails to adhere his undertaking now given before this Court, the order now passed will automatically recalled and this Criminal Original Petition will stand dismissed. Consequently, connected miscellaneous petitions stand closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

TO

1. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
2. THE SUB INSPECTOR OF POLICE,
ANTI-LAND GRABBING SPECIAL CELL,
TIRUNELVELI CITY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.V.M.JEGADEESHA PANDIAN, Advocate (SR-9675[F] dated 02/03/2020)

Order made in
Cr1.O.P. (MD) No.4968 of 2018 and
Cr1.M.P. (MD) Nos.2429 and 2430 of 2018
02.03.2020

SRS/ 18.03.2020/ 3P/5C