



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.09.2021

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.30338 of 2015  
and M.P.Nos.1 and 2 of 2015  
and Crl.M.P.No.407 of 2016

1.N.Pappa Nagarajan  
2.M.Nagarajan

...Petitioners/Accused 1 and 2

Vs.

The Inspector of Police,  
District Crime Branch,  
Kancheepuram District.  
(Crime No.18/2006)

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records relating to the C.C.No.150 of 2008, on the file of Judicial Magistrate - II, Chengalpattu and quash the same.

|                 |    |                                     |
|-----------------|----|-------------------------------------|
| For Petitioners | .. | Mr.K.Alayappan                      |
| For Respondent  | .. | Mr.E.Raj Thilak                     |
|                 |    | Government Advocate (Criminal Side) |

ORDER

This Criminal Original Petition has been filed seeking interference with further progress of C.C.No.150 of 2008, now pending on the file of Judicial Magistrate - II, Chengalpattu.

2. The petitioners herein/A1 and A2 are facing trial, pursuant to the investigation in Crime No.180 of 2006, based on the complaint given by the Tahsildar, Chengalpattu under Sections 468, 471, 420 of I.P.C. The allegation against the petitioner is that, they had encroached the tank at Thailavaram Village, Chengalpattu in Kancheepuram District by fabricating revenue records.

3. The learned Counsel for the petitioner, Mr.K.Alayappan submitted that he had filed an application to implead the defacto complainant/Tahsildar.



4. However, I am informed by Mr.E.Raj Thilak, learned Government Advocate (Criminal Side) that, trial has commenced and four witnesses have been examined. This naturally means that trial has progressed and the petitioners herein had decided to participate in the trial by cross-examining the witnesses produced.

5. However, it is also seen that on 02.09.2021, the petitioners, having been absent before the Trial Court, non-bailable warrant has been issued and the learned Magistrate had posted the matter on 01.10.2021.

6 In view of the above, it would be appropriate that the petitioners appear before the Trial Court and participate in further progress of the trial proceedings. Keeping this Criminal Original Petition would be of no avail to the petitioners and trial is the only answer to the charges laid against them. Therefore, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

grs/kbs

To

1. Judicial Magistrate - II,  
Chengalpattu.
2. The Inspector of Police,  
District Crime Branch,  
Kancheepuram District.  
(Crime No.18/2006)
3. The Public Prosecutor,  
High Court, Madras.

Cr1.O.P.No.30338 of 2015  
and M.P.Nos.1 and 2 of 2015  
and Cr1.M.P.No.407 of 2016

PCH(CO)  
LS(23/09/2021)