



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE **R.THARANI**

Crl.O.P.(MD)No.4222 of 2021

and

Crl.M.P.(MD)No.2343 of 2021

WEB COPY

1.Rathinam

2.K.R.Valarmathi

... Petitioners/Accused no 2 & 3

Vs.

1.State Through

The Inspector of Police,
Anti Land Grabbing Special Cell,
(District Crime Branch),
Sivagangai.

(Crime No.53 of 2014) ...1st Respondent/Complainant

2.Thavamani

...2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for the records pertaining to the Crime No.53 of 2014, on the file of the first respondent and quash the same as illegal with regard to this petitioners.

For Petitioners : M/s.P.Sepana @ Sree

For R1 : Mr.S.Chandrasekar

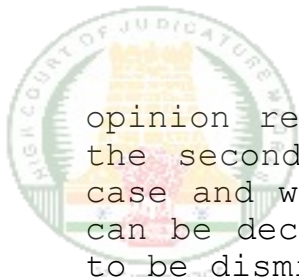
Additional Public Prosecutor

ORDER

The present petition is filed seeking to quash the First Information Report in Crime No.53 of 2014 of Anti Land Grabbing Special Cell, (District Crime Branch), Sivagangai.

2.On the side of the petitioners, it is stated that the second respondent was granted free patta and the allegation against the petitioners is that the second petitioner impersonated the second respondent and created some forged documents and executed a sale deed in favour of A-1. Only after six years, from the date of sale deed, a case was registered. But the District Collector cancelled the patta in the name of the second respondent. Hence, the second respondent has no *locus standi* to proceed with the case further and prayed the First Information Report to be quashed.

3.On the side of the first respondent, it is stated that this Court has given a stay order with regard to the Land Grabbing Cases in W.P.No.18827 of 2015, dated 10.02.2015. For that reason, this case could not be proceeded further. Now the first respondent has taken up the case for investigation. The case is pending for expert



opinion regarding the thumb impression in the sale deed. Whether the second respondent is having *locus standi* to proceed with the case and whether the allegation against the petitioners is made out can be decided only after the investigation and prayed the petition to be dismissed.

4.It is seen that the investigation is now effectively going on and the same is pending only for getting expert opinion. Whether the patta in the name of the second respondent was cancelled and whether the second respondent was having any right to initiate proceedings at the time of filing of the case cannot be decided at this juncture.

5.In the above circumstances, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Inspector of Police,
Anti Land Grabbing Special Cell,
(District Crime Branch),
Sivagangai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.SEPANA @ SREE, Advocate (SR-12795[F] dated 22/03/2021)

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ES (CO)
KB(24.04.2021) 2P 4C