



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13073 of 2017

and

Crl.MP(MD)Nos.8860 & 8861 of 2017

V.S.Arunachalam

: Petitioner/Accused No.3

Vs.

1.State rep. by  
The Inspector of Police,  
Anti Land Grabbing Special Cell,  
Tirunelveli,  
Tirunelveli District.  
Cr.No.50/2012

2.Karumuthu T.Sundaram

: Respondents

**PRAYER:** Petition filed under Section 482 of the Criminal Procedure Code to call for records in C.C.No.154 of 2017 on the file of the learned Judicial Magistrate No.1, Tirunelveli and quash the same as against the petitioner.

For Petitioner : Mr.R.J.Karthick

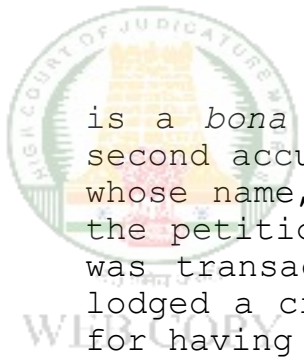
For Respondents : Mr.S.Ravi,  
Standing Counsel for R.1

Mr.T.K.Gopalan  
for R.2

**ORDER**

The petitioner is the third accused in C.C.No.154 of 2017 on the file of the learned Judicial Magistrate No.1, Tirunelveli, who is facing a charge for the offence under Sections 419, 420, 465, 468, 471 r/w 120(b) IPC. Challenging the same, the present petition is filed.

2. The first respondent Police, after investigation, filed a final report that the petitioner along with others have created a forged document of the defacto complainant. Mr.R.J.Karthick, learned Counsel appearing for the petitioner submitted that the petitioner



is a *bona fide* purchaser and that he purchased the land from the second accused, who is having a valid sale deed in his favour and in whose name, the land has been registered on the date of purchase by the petitioner. He would further submit that the entire sale amount was transacted only through bank transaction and that he has also lodged a criminal complaint as against the other accused and others for having cheated him.

3. This Court is of the view that the grounds raised by the petitioner can be considered only by the trial Court, as they are matter for trial. At this juncture, learned Counsel for the petitioner sought permission of this Court to withdraw this criminal original petition with liberty to raise all the grounds raised herein before the trial Court.

4. In view of the aforesaid submission made by the learned Counsel for the petitioner, this criminal original petition is dismissed as withdrawn, with liberty to the petitioner to raise all the grounds that are raised herein before the trial Court.

5. It appears that the final report was filed in the year 2017 and has been taken on file by the learned Judicial Magistrate No.1, Tirunelveli, in the year 2017. In view of the pendency of this petition before this Court, the trial is still pending. Since this petition is now dismissed as withdrawn, the learned trial Judge is directed to complete the trial and dispose of the same, as expeditiously as possible, in any event, within a period of one year from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk

To

1.The Judicial Magistrate No.1,  
Tirunelveli.

2.The Inspector of Police,  
Anti Land Grabbing Special Cell,  
Tirunelveli,  
Tirunelveli District.



3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Copy to  
The Registrar(Judicial),  
Madurai Bench of Madras High Court,  
Madurai.

**Cr1.OP (MD) No.13073 of 2017**  
**21.06.2021**

KM(02.07.2021) 3P 5C