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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2022

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THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.29490 of 2015

and

M.P.No.1 of 2015

(Through Video Conferencing)

C.Radhakrishna Reddy ...Petitioner/1st Accused

Vs.

1. State rep. by Deputy Superintendent of Police,
Uthukottai Sub Division,
Tiruvallur District.
(Crime No:206 of 2009)
2. Special Tasildhar (Adi-Dravidar Welfare),
Tiruttani, Tiruvallur (In charge),
Tiruvallur - 602001. ...Respondents/Complainants

Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the charges and proceedings in C.C.No.57 of 2010 against Crime No.209 of 2009, pending on the file of the Judicial Magistrate cum District Munsif Court at Uthukottai, Tiruvallur District and to quash the same.

For Petitioner : Mr.R.Shankar

For Respondents : Mr.R.Murthi
Government Advocate (Crl.Side)

O R D E R

This petition is filed to quash the case in C.C.No.57 of 2010 pending on the file of the Judicial Magistrate Court at Uthukottai, Tiruvallur District.

2. The case of the petitioner reads as follows:-

- i. The case in C.C.No.57 of 2010 is pending against the petitioner for the alleged offence under Section 420 of IPC. A complaint was given by the second respondent / de-facto complainant. The allegations made in the complaint are that the



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property in Survey No.59/1C to the extent of 2.60 Acres in Movur Village, Tiruvallur District was acquired for the purpose of providing house sites to Scheduled Caste persons by proceedings of the District Collector, Tiruvallur District in Ke.Mu.Ka.No.5389/2009/J1, dated 10.05.2009.

ii. The owner of the land is the petitioner. A sum of Rs.2,27,331/- was deposited in the Court towards compensation for the land acquired on 04.01.2001. Despite the acquisition was made by the Government depositing the compensation in the Court, the petitioner had created encumbrance by creating power of attorney and sold the land vide Document Nos.3792/2008 & 3940/2008, dated 08.04.2008. The land was described as house sites land for the Scheduled Caste persons. Therefore, the complaint was filed by the second respondent / de-facto complainant under Section 3(1)(iv) Chapter II of the SC/ST (Prevention of Atrocities) Act, 1989 read with Section 420 of IPC. After the investigation, a final report was filed under Section 420 of IPC against the petitioner and two other accused.

3. The learned counsel for the petitioner submitted that there are several litigations with regard to the acquisition of land. The third accused filed Crl.O.P.No.15720 of 2010 for quashing the proceedings against him in C.C.No.57 of 2010 and the petition was allowed and the proceedings against him was quashed. He further submitted that the petitioner is aged about 80 years and suffering from various illness. Therefore, he prays for quashing the proceedings against the petitioner in C.C.No.57 of 2010.

4. In response to the submission of the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) submitted that it is evident from the records produced that the petitioner was the owner of the property and had sold the property to the third party after it was acquired by the Government. He therefore prays for dismissal of this petition.

5. Considered the rival submissions of the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents and perused the records.

6. As narrated above, the case of the prosecution is that the petitioner was the owner of the property concerned in Survey No.59/1C to the extent of 2.60 Acres in Movur Village, Tiruvallur District. The petitioner had given statement conceding to the acquisition of land. Accordingly, this land was acquired by the Government vide proceedings of the



District Collector, Tiruvallur District in
Ke.Mu.Ka.No.5389/2009/J1, dated 10.05.2009. A sum of
Rs.2,27,331/- was deposited in the Court.

7. Even after knowing the fact that the land was acquired by the Government, it appears that the petitioner had sold the land to the third party. Therefore, there is prima facie case to frame charges against the petitioner and proceed further. This Court finds that this is not a fit case to quash the proceedings.

8. It is submitted by the learned counsel for the petitioner that the petitioner is aged about 80 years and suffering from various illness and it is prayed to dispense his appearance during the trial proceedings. The petitioner's appearance cannot be dispensed during the entire proceedings. The petitioner may appear through advocate by filing special vakalat and shall have to appear before the Court as and when the Court requires his presence.

9. With the above directions, this Criminal Original Petition is dismissed. No cost. Consequently, Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CCC)

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Sub Assistant Registrar

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To

1. The Deputy Superintendent of Police,
Uthuukottai Sub Division,
Tiruvallur District.
(Crime No:206 of 2009)
2. The Special Tasildhar (Adi-Dravidar Welfare),
Tiruttani, Tiruvallur (In charge),
Tiruvallur - 602001.
3. The Public Prosecutor,
High Court of Madras.

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