



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.04.2022

CORAM

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THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.OP NO.4634 OF 2019
& CRL MP.NO.2741 OF 2019

1.T.V.Vadivel
2.Sridevi

.. Petitioners

Vs

1. The State rep by
The Inspector of Police,
Anti Land Grabbing Special Cell,
Namakkal District.

2. Hariharan

.. Respondents

Prayer:-

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to Crime no.26 of 2017, on the file of Anti Land Grabbing Special Cell, DCB Police Station, Namakkal and quash the same.

For Petitioners :Mr.T.L.Thirumalaisamy for
Ms.R.Poornima

For Respondents :Mr.R.Vinothraja, GA for R1
Mr.M.Rajkumar for R2

ORDER

This petition has been filed under Section 482 Cr.P.C., to call for the records relating to Crime no.26 of 2017, on the file of Anti Land Grabbing Special Cell, DCB Police Station, Namakkal and quash the same.

2.Heard the learned Counsel for the Petitioner and the learned Government Advocate appearing for the Respondent police.



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3.The learned Counsel for the Petitioners submitted that this petition had been filed to quash the FIR in Crime no.26 of 2017 on the file of the Anti Land Grabbing Special Cell, DCB Police Station, Namakkal. The learned Counsel invited the attention of this Court to the contents of the FIR. He further submitted that a civil suit had been filed by the defacto complainant against the petitioners herein before the Court of the learned District Judge, Namakkal in O.S.No.25 of 2018. A copy of the plaint is enclosed in the typed set of papers in page nos.11 to 31. It is purely a civil dispute regarding the purchase of property through an agreement of sale entered into between the petitioners herein, the defacto complainant and his brothers. The learned Counsel for the Petitioner therefore, submitted that it is a fit case to quash the FIR.

4.The learned Government Advocate(Cri.side) submitted that the investigation has been completed and a charge sheet has also been filed on 18.04.2018 itself and the same was taken on file on 09.09.2020.

5.The learned Counsel for the Petitioner submitted that at the time of admission, interim stay was granted by this Court.

6.Further, the learned Government Advocate (Crl.side) submitted that on the date of filing of this petition itself, a final report of the investigation has been laid before the Court concerned. Further, the learned Government Advocate(Crl.side) furnished a CD file, wherein, it has been stated that charge sheet had been filed on 18.04.2018 and the same was taken on the file of learned Judicial Magistrate, Anti Land Grabbing Special Cell, DCB Police Station, Namakkal in CC No.53 of 2020. He further submitted that interim stay was granted at the admission stage itself. Considering the fact that the final report laid before the Court of learned Judicial Magistrate(Special Court), Anti Land Grabbing Special Cell, DCB Police Station, Namakkal, now at this stage, the FIR cannot be quashed.

7. Accordingly, this petition is dismissed, with a direction to the learned Judicial Magistrate, Anti Land Grabbing Special Cell, DCB Police Station, Namakkal, to consider the application filed at the time of hearing the arguments regarding the framing of charges regarding the claim of the petitioners herein, who are the accused before the Court concerned. Though it is purely a civil dispute, wherein, suit had also been filed and pending on the file of the learned District Judge, Namakkal prior to this complaint and therefore, the learned Judicial Magistrate shall also consider the same at time of disposal of the case.



8. With the above direction, this petition is dismissed.
Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Anti Land Grabbing Special Cell,
DCB Police Station, Namakkal
2. The Inspector of Police,
Anti Land Grabbing Special Cell,
DCB Police Station, Namakkal.
3. The Inspector of Police,
Anti Land Grabbing Special Cell,
Namakkal District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Ms.R.Poornima, Advocate, S.R.No.26557

Cr1.OP No.4634 of 2019

MT (CO)
PM/13/05/2022