



Crl. O.P. No.7810 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27/6/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.7810 of 2022

N.P.Ramesh

...

Petitioner

Vs

1. State
rep. By The Inspector of Police
District Crime Branch
Erode Police Station
Erode.

2. S.Vivekananthan

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the charge sheet in C.C.No.01 of 2022 on the file of the Special Judicial Magistrate, Special Court for exclusive trial of Land Grabbing Cases, Erode and quash the same, in so far as this petitioner is concerned.



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For Petitioner	...	Mr.V.Anandhamoorthy
For Respondents	...	Mr.A.Gokulakrishnan Additional Public Prosecutor for R.1.
		Ms.Jayshree Dharbar for R.2

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.01 of 2022, pending on the file of the Special Judicial Magistrate, Special Court, for exclusive trial of Land Grabbing Cases, Erode, in so far as this petitioner is concerned.

2. The allegations against the accused is that A.1, who is the nephew of one Sadayappan has fabricated a Will and based on the impersonated and fabricated Will, he grabbed the property belonging to the second respondent/defacto complainant. The second respondent gave a complaint to the first respondent Police and a case in Crime No.33 of 2014 was registered on 26/12/2014, for the offences punishable under Sections 120 B, 465, 468, 420 and 471 of the Indian Penal Code.



3. Heard Mr.V.Anandhamoorthy, learned counsel appearing for the petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the first respondent and Ms.Jayshree Dharbar, learned counsel for the second respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner's father A.1 and the second respondent/defacto complainant are close relatives. One Shanmuganathan had executed a Will in favour of the petitioner's father A.1 in respect of which, the civil disputes are pending between the second respondent/defacto complainant and the petitioner's father. He would further submit that the petitioner has no role in the litigation between his father and the second respondent/defacto complainant and he has been unnecessarily roped into this case.

5. The learned counsel appearing for the petitioner further submitted that earlier, the petitioner's sister was also roped into this case as A.5 and this Court finds that A.5 was innocent and quashed the proceedings against A.5. The petitioner other than being the son of A.1, there is no iota of evidence to prove that the petitioner had committed any offence along with A.1. Moreover, the



petitioner was a student at that point of time.

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6. The learned counsel appearing for the second respondent submitted that if the petitioner files an affidavit that he will not claim any right on the basis of the Will, till the disposal of the suit pending in O.S.No.219 of 2017, pending on the file of the Subordinate Judge, Gobichettipalayam, he has no objection for quashing C.C.No.1 of 2022.

7. The petitioner filed an affidavit dated 23rd June 2022, stating that he will not claim any over the subject properties till the disposal of the Civil Suit in O.S.No.219 of 2017, on the file of the learned Subordinate Judge, Gobichettipalayam.

8. Considering the nature of the charges and there is no material to implicate the petitioner directly in regard to the allegation of fabrication of the Will, this Court is of the view that final report as against the petitioner is nothing but an abuse of process of law.



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9. In the result, this Criminal Original Petition is allowed and charge sheet in C.C.No.1 of 2022, on the file of the Special Judicial Magistrate, Special Court for exclusive trial of Land Grabbing Cases, Erode is quashed the same, in so far as this petitioner/A.4 alone is concerned. Affidavit submitted by the petitioner is taken on record.

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mvs.

Index: Yes/No

Internet: Yes

Speaking/Non-speaking order

To

1. The Special Judicial Magistrate, Special Court for exclusive trial of Land Grabbing Cases, Erode
2. The Inspector of Police
District Crime Branch
Erode Police Station
Erode.
3. The Public Prosecutor, High Court, Madras.

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