



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.24049 of 2021
and
Cr1.M.P.No.13266 of 2021

1. G.Venumurali
2. G.Vatsaladevi
3. K.Pandi

... Petitioners / Accused 1 to 3

Versus

1. The State
Represented by Inspector of Police
B-5, Walajabad Police Station,
Kancheepuram District.

2. K.Arunagiri

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to quash the entire proceedings in Crime No.320 of 2021 pending before the 1st respondent.

For Petitioners : Mr.S.Sachin Priya Daniel

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

This petition has been filed to quash the entire proceedings in Crime No.320 of 2021 pending before the 1st respondent.

2. The petitioners are the owners of the land in patta no.1566 comprising 2 acres 87 cents which has been developed into residential plots. In order to make a pathway for the said plots, they have closed the trench by sands, which was available in that place. The same activity was earlier done on 01.05.2021, which was removed with the help of the police officials and the



very same incident was done again on 03.05.2021. The residential plot watchman, namely Jaypal, informed that one Dillibabu has committed the said offence. On a complaint given by the defacto complainant, a case has been registered against the petitioners under Sections 430 of I.P.C. and 3(1) of TNPPDL Act in Crime No.320 of 2021 dated 04.05.2021.

3. The petitioners A1 to A3 approached the District Judge, Kancheepuram and filed a separate Anticipatory Bail Application in CrI.M.P.No.1660 of 2021 dated 08.10.2021 in which, they have disclosed all these facts. During the pendency of the M.P., the petitioners have stated before the learned District Judge that the previous anticipatory bail applications were filed without the consent of the petitioners.

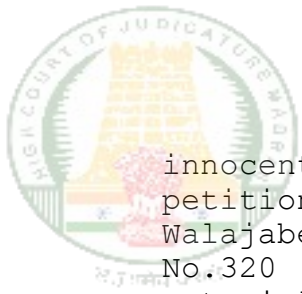
4. The contention of the petitioners is that one Stephen Raj earlier filed Anticipatory Bail Application without informing the petitioners and their signatures have been forged by the said Stephen Raj in the vakalat, Memo and the affidavit and above said Anticipatory Bail Application in CrI.M.P.No.1161 of 2021 was filed before the District and Sessions Court-II, Kancheepuram dated 20.07.2021. The Anticipatory Bail Application was filed by Advocate L.Prem Kumar. Subsequently, the conditional order has not been complied with. Thereafter, CrI.M.P.No.1383 of 2021 was filed seeking extension of the earlier order by the same Advocate and extension was obtained on 19.08.2021. The said information was immediately informed to the petitioners and the petitioners were highly shocked because of the activities of the said Stephen Raj.

5. The learned counsel for the petitioners further submits that the said Stephen Raj and others have committed the offence. The petitioners were falsely implicated. The petitioners were not present at the scene of occurrence.

6. This Court suspects the group of persons who indulged in such activities and in view of the same, this Court directs the petitioners to give a representation to the Deputy Superintendent of Police, CBCID, Kancheepuram and the Deputy Superintendent of Police is directed to conduct a detailed enquiry, as this Court even suspects the role of some of the Police officials.

7. On perusal of the materials, it is seen that the petitioners apprehension is sustainable.

8. In view of the same, investigation shall be transferred to the file of Deputy Superintendent of Police, CBCID, Kancheepuram, who shall conduct the investigation and to file a final report in this case. If the petitioners are found to be



innocent, their names to be deleted, if it is otherwise, the petitioners have to face prosecution. The Inspector of Police, Walajabath Police Station, on whose file the case in Crime No.320 of 2021 is pending shall handover the case diary and materials to the CBCID, Kancheepuram to comply with the present order of this Court without delay.

9. In view of the above, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

kmm

To

1. The Deputy Superintendent of Police,
CBCID, Kancheepuram
2. The Inspector of Police
B-5, Walajabad Police Station,
Kancheepuram District.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.24049 of 2021

PMK[co]
NSK 14/03/2022