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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10/1/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No. 11848 of 2017

a n d

Crl.M.P.Nos. 7769 and 7770 of 2017

A. Chidambaram ... Petitioner

Vs

1. The State
rep. By The Inspector of Police
Anti Land Grabbing Special Cell
Kanchipuram District.

2. A. Vivekanandan ... Respondents

(R.2 is impleaded as per order of the Court
dated 14/9/2017 made in Crl.M.P.No.1554 of 2017
in Crl.O.P.No.11848 of 2017

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records and quash the proceedings in C.C.No.354 of 2016, pending on the file of the learned Judicial Magistrate No.II, Chengalpattu in Crime No.66 of 2014, on the file of the Inspector of Police, Anti Land Grabbing Special Cell, Kanchipuram.

For Petitioner : Mr.R.John Sathyan
for Mr.R.Sagadevan

For Respondents : Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side)
for R.1
Mr.K.S.Viswanathan
for Mr.S.Sivakumar
for R.2



O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.354 of 2016, pending on the file of the learned Judicial Magistrate No.II, Chengalpattu, in Crime No.66 of 2014, on the file of the Inspector of Police, Anti Land Grabbing Special Cell, Kanchipuram, for the offences punishable under Sections 420, 465, 468, 471 r/w. 34 of the Indian Penal Code altered to 120 (b), 420, 465, 468 and 471 of the Indian Penal Code.

2. The crux of the final report is that the accused have dealt with the property to the defacto complainant, knowing that there is no title to the property.

3. Mr.John Sathyan, learned counsel appearing for the petitioner submitted that it is only a civil transaction given a criminal colour.

4. At the outset, I am unable to persuade myself, for the simple reason that the very crux of the allegation is that knowing fully well there is no title to the property, the defacto complainant has dealt with the same. Whether the act of the defacto complainant is cheating or not has to be proved only at the time of trial. In such a view of the matter, whether falsification of documents attract or not is a matter of evidence.

5. In the result, this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

mvs

To

1. The Judicial Magistrate No.II,
Chengalpattu
2. Do-Through,
The Chief Judicial Magistrate,
Chengalpattu.



3. The Inspector of Police
Anti Land Grabbing Special Cell
Kanchipuram District.

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4. The Public Prosecutor
Madras High Court
Chennai.

+1cc to Mr.S.Sivakumar, Advocate, S.R.No.2085

+1cc to Mr.R.Saga Devan, Advocate, S.R.No.2537

+1cc to Mr.S.Sivakumar, Advocate, S.R.No.2085 (10/02/2022)

Cr1. O.P. No.11848 of 2017

PCH(CO)
SU(07/02/2022)