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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.OP.No.24323 of 2017

&

Crl.M.P.Nos.14061 & 14062 of 2017

1.Chandrasekaran
2.Bakkiyalakshmi
3.Gunasekaran
4.Rajasekaran
5.Durga Guna Sundari
6.Santhakumari
7.Punitha

...Petitioners/Accused 1 to 7

Vs.

1.State rep.by:
Inspector of Police,
District Crime Branch-Anti Land Grabbing Special Cell,
Vellore. (Crime No.77/2015) ...Respondent/Complainant

2.Lilly Rose

3.Gopi Sathiyarajan ...Respondents

(2nd respondent is impleaded as per the order of this Court dated.31.07.2018 in Crl.M.P.No.1459 of 2018 in Crl. O.P.No.24323 of 2017 and the third respondent is suomotu impleaded as per the order of this Court dt.31.07.2018 in Crl.M.P.No.1459 of 2018 in Crl. O.P.no.24323 of 2017)

Prayer: Criminal Original Petition has been filed under Section 482 Cr.P.C to call for the records and quash the proceedings as against the petitioner in C.C.No.67 of 2017 pending on the file of the Learned Judicial Magistrate, Ranipet, Vellore District.



For Petitioners : Mr.S.Sairaman
For Respondent : Mr.A.Damodaran,
No.1 Additional Public Prosecutor
Respondent No.2, 3 : No Appearance

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ORDER

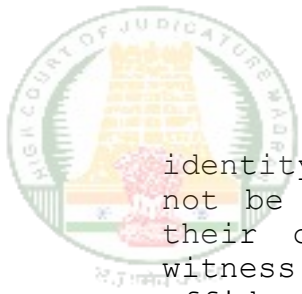
The petitioners, who are A1 to A7 in C.C.No.67 of 2017 and who are facing trial for offences under Sections 120(b), 420, 423, 465, 468, 471 IPC, have filed this quash petition.

2.The case is that the second respondent / defacto complainant viz., Lily Rose purchased a property measuring an extent of 5 cents in survey No.251/1 from one Vadivelu S/o Perumal by document No.2504/1987. The petitioners claim right over the property through one Kamalanathan/A11 in this case. A11 Kamalanathan purchased the property by way of document No.672 of 1989 from one Deenadhayalan/A10. Thereafter, the petitioners claim right over the property. According to the petitioners, whatever the tampering of documents or false representation made, it was by Kamalanathan and not by the petitioners. Believing Kamalanathan's representation, legal heirs come into the property and they have also been falsely implicated in this case.

3.The learned Additional Public Prosecutor submitted that the case is not as simple as projected by the petitioners. It is seen that accused A1 & A2 conspired together to take away the property of the defacto complainant, they made false representation, created documents and thereby, patta No.314 was changed. The deep-rooted conspiracy is unearthed after sustained investigation. Further, it is submitted that the disputed property belongs to one Jayaraman, Ex-MP and after his death in the year 1980, it has been converted into memorial. His son Pushparaman produced relevant documents and gave statement to that effect. Hence, strongly opposed the quash petition.

4.The learned counsel appearing for the petitioners submitted that the civil dispute between Dheenadayalan and the defacto complainant is at the stage of the second appeal. He further submitted that without prejudice to his right in the criminal case, he seeks withdrawal of the petition with permission to raise all the grounds during trial.

5.Considering the submissions, this Court directs the petitioners to file a petition under Section 205 Cr.P.C with appropriate undertaking that they will not dispute their



identity, recording of evidence in their absence and they will not be the reason for any delay. They would be represented by their counsel and they will undertake to cross examine the witness then and there without seeking any adjournment. On such affidavit, the trial Court to consider the same and exempt the petitioners, physical appearance. The petitioners shall appear before the trial Court, as and when directed to do so.

6. With the above directions, this Criminal Original Petition is dismissed as withdrawn. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

mpl/sms

To

1.The Judicial Magistrate,
Ranipet, Vellore District.

2.The Inspector of Police,
District Crime Branch-Anti Land Grabbing Special Cell,
Vellore. (Crime No.77/2015)

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Sairaman, Advocate SR. No.10579

Cr1.OP.No.24323 of 2017

&

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NMI (CO)

PR (15/03/2022)