



Crl.O.P.(MD)Nos.19307 of 2018 and 19674 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.19307 of 2018

and

CrI.M.P(MD)Nos.8700 and 8701 of 2018

and

CrI.O.P(MD)No.19674 of 2018

and

CrI.M.P(MD)Nos.8993 and 8994 of 2018

CrI.O.P(MD)No.19307 of 2018:

Muthiah

... Petitioner/Accused No.9

Vs.

1.State of Tamil Nadu,
Rep. by its Inspector of Police,
District Crime Branch (ALGSC),
Theni District.
(Crime No.19 / 2014)

... Respondent/Complainant

2.Ponnuchamy

... Respondent No.2/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C.,to call for the records relating to the charge sheet filed in connection with C.C.No.6 of 2018 on the file of the Special Court for Land Grabbing Cases, Theni and quash the same insofar as this petitioner is concerned.



CrI.O.P.(MD)Nos.19307 of 2018 and 19674 of 2018

For Petitioner : Mr.S.Sukumar

For R-1 : Mr.K.Sanjai Gandhi,
Government Advocate(CrI. Side))

For R-2 : No Appearance

CrI.O.P(MD)No.19674 of 2018:

1.Pandi
2.Arasan
3.Gandhi
4.Subburaj ... Petitioners/Accused Nos.1,2,4 & 6
Vs.

1.State of Tamil Nadu,
Rep. by its Inspector of Police,
District Crime Branch (ALGSC),
Theni District.
(Crime No.19 / 2014) ... Respondent/Complainant

2.Ponnuchamy ... Respondent No.2/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C.,to call for the records relating to the charge sheet filed in connection with C.C.No.6 of 2018 on the file of the Special Court for Land Grabbing Cases, Theni and quash the same insofar as these petitioners are concerned.

For Petitioner : Mr.S.Sukumar



Crl.O.P.(MD)Nos.19307 of 2018 and 19674 of 2018

For R-1 : Mr.M.Sakthi Kumar
Government Advocate(Crl.)
For R-2 : No Appearance

COMMON ORDER

These Criminal Original Petitions have been filed to quash the proceedings in C.C.No.6 of 2018 on the file of the Special Court for Land Grabbing Cases, Theni.

2. There are totally nine accused persons in this case and A-1, A-2 , A-4, A-6 and A-9 have approached this Court seeking to quash the proceedings.

3. This Court heard the learned counsel appearing on either side and carefully went through the final report and the documents filed along with the final report.

4. This Court does not want to deal with the merits of this case since this Court is not inclined to quash the proceedings insofar as A-1, A-2, A-9 are concerned. Whatever grounds were raised by the learned



CrI.O.P.(MD)Nos.19307 of 2018 and 19674 of 2018

counsel appearing on behalf of these petitioners can be raised before the Court below and the same will be considered on its own merits and in accordance with law. There is material to proceed further with the proceedings and hence, this Court does not want to interfere with the proceedings before the Court below insofar as A-1, A-2 and A-9 are concerned.

5. Insofar as A-4 and A-6 are concerned, they stood only as attesting witnesses to the document that was executed by A-1 in favour of A-2. Except the fact that these two petitioners stood as attesting witnesses, there is no material to rope them in as accused persons. The continuation of the proceedings as against A-4 and A-6 will amount to an abuse of process of Court and therefore, it requires interference of this Court in exercise of its jurisdiction under Section 482 Cr.P.C. It is also brought to the notice of this Court that A-5 died during the pendency of this proceedings.

6. In view of the above, CrI.O.P(MD)No.19674 of 2018, is partly allowed and the proceedings are quashed insofar as A-4 and A-6



Crl.O.P.(MD)Nos.19307 of 2018 and 19674 of 2018

are concerned. Crl.O.P(MD)No.19307 of 2018 stands dismissed.

Consequently, connected Miscellaneous Petitions are closed.

7. The Court below shall proceed insofar as the other accused persons. The proceedings shall be completed within a period of six months from the date of receipt of a copy of this order.

03.11.2022

Index: Yes/No
Internet: Yes/No
pm



CrI.O.P.(MD)Nos.19307 of 2018 and 19674 of 2018

To

WEB COPY

- 1.The Special Court for Land Grabbing Cases,
Theni.
- 2.The Inspector of Police,
District Crime Branch (ALGSC),
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD)Nos.19307 of 2018 and 19674 of 2018

N.ANAND VENKATESH, J.

pm

CrI.O.P.(MD)Nos.19307 of 2018 and 19674 of 2018

03.11.2022