



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P. (MD)Nos.17894 and 19392 of 2018

and

Crl.M.P(MD).Nos. 7936, 7937, 8787 and 8788 of 2018

(Through video Conference)

1.Srinivasaragavan
2. Lakshmi
3.Purushothaman
4.Thilagavathi
5.Seenivasan
6.Maheswaran

.. Petitioners/ Accused 6 to 11
in Crl.O.P(MD)No.17894 of 2018

1.Thangaraj
2.A.M.S.Natarajan
3.Palanichamy
4.Seeniammal

.. Petitioners/ Accused 1,4,5 and 12
in Crl.O.P(MD)No.19392 of 2018

Vs.

1.State rep. by,
The Sub Inspector of Police,
District Crime Branch, (ALGSC),
Theni, Theni District.

.. 1st Respondent/Complainant
in both cases

2.Rajeswari

.. 2nd Respondent/
Defacto Complainant in both cases

COMMON PRAYER: Criminal Original Petitions filed under Section 482 of the Criminal Procedure Code, to quash the proceedings in C.C.No.4 of 2013 on the file of the learned Judicial Magistrate cum Special Court for Land Grabbing Cases, Theni.

In both cases:

For Petitioners	: No appearance
For R1	: Mr.A.Thiruvadi Kumar Additional Public Prosecutor
For R2	: Mr.D.Malaichamy



COMMON ORDER

These petitions are filed by the accused persons to quash the final report filed by the first respondent police and taken on file by the learned Judicial Magistrate cum Special Court for Land Grabbing cases, Theni, in C.C.No.4 of 2013.

2. The sum and substance of the final report is that the petitioners/accused have forged title document for the property in S.No.254/1, which is owned by the defacto complainant and had mutated the revenue records and grabbed the land of the defacto complainant. On complaint, after investigation, final report has been filed for the offence under Sections 420, 465, 468, 471, 447, 147, 148, 294(b), 506(ii) r/w 149 IPC.

3. In these petitions, it is specifically contended that the revenue officials, after appropriate enquiry and verification of the title documents had issued patta in the name of the 6th accused and a suit has also been filed seeking declaration of title. While so, when the case is purely civil in nature, a criminal complaint is not maintainable.

4. The learned counsel for the defacto complainant would submit that the suit seeking declaration been came to be dismissed for default as early as on 12.03.2014 and regarding mutation of revenue records, order has been passed by the District Revenue Officer, Theni on 08.07.2021 declining the relief claimed by the 6th accused and therefore, the grounds raised in these quash petitions no more survives.

5. When there is a case of forgery of documents by the accused persons to cheat and grab the land of the defacto complainant is made out, this Court, without advertting to the contested facts, being *prima facie* satisfied that the grounds raised by the petitioners herein, no more survives and evidence available to show title documents been forged and patta been transferred based on the false title documents. When that was questioned, the defacto complainant has been intimidated. When there is material evidence *prima facie* to frame charges, the inherent power of the High Court cannot be invoked to quash the same without facing trial. Therefore, this Court finds no reason to interfere in the due process of criminal prosecution initiated against the petitioners herein and these petitions are liable to be dismissed.

6. In the result, these Criminal Original Petitions are dismissed. The trial Court shall take up the trial and complete it as expeditiously as possible, preferably, within a period of nine months from the date of receipt of a copy of this order.



Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

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/ /2022

Sub Assistant Registrar(CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Judicial Magistrare cum Special Judge,
Land Grabbing cases,
Theni.

2. The Sub Inspector of Police,
District Crime Branch, (ALGSC),
Theni, Theni District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.MALAICHAMY, Advocate (SR-3756[F] dated 02/02/2022)

Cr1.O.P. (MD) No.17894 and 19392 of 2018
02.02.2022

RK(11/02/2022) 3P 5C