



Crl.O.P.No.945 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P.No.945 of 2021 and
Crl.MP.Nos.597 & 4535 of 2021

1.Appavu
2.Duraisamy
3.Pappal
4.Nadhu
5.Kandasamy

... Petitioners

Vs.

1.The Inspector of Police,
Anti Land Grabbing Special Cell,
Kamaraj Nagar, Gonur Village,
Mettur Dam, Salem District
2.R.Balamurugan

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records and to quash the summons issued in CC.No.1212 of 2020 on the file of Judicial Magistrate No.VI, Salem.

For Petitioners : Mr.S.Doraiswamy

For Respondents
For R1 : Mr.A.Gopinath,
Government Advocate

For R2 : Mr.B.Gopalakrishnan



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ORDER

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This criminal original petition has been filed challenging the summons issued in CC.No.1212 of 2020 on the file of the learned Judicial Magistrate-VI, Salem.

2. Heard, the learned counsel appearing on either side.

3. The second respondent lodged complaint before the first respondent and the same was not registered. Therefore, the second respondent filed petition seeking direction under Section 156(3) of Cr.P.C before the learned Judicial Magistrate No.VI, Salem. After taking into consideration, the learned Judicial Magistrate had taken cognizance for the offence under Sections 120-B, 465, 467, 468, 471 and 506(ii) of IPC in CC.No.1212 of 2020 and issued summons.

4. On perusal of the complaint lodged by the second respondent, it is alleged that the petitioners colluded with each other and with intention to grab the property belongs to the father of the second respondent comprised in survey No.68 2B/1A by fabricating false sale deed among themselves vide document No.151 of 1983 and 152 of 1983 dated 15.02.1983 and vide



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document No.1058 of 2002 dated 09.09.2002. In fact, the first accused herein was an attesting witness to the partition deed entered between the second respondent's father and his brother. The second respondent's father derived title over the property by way of partition deed dated 14.08.1974 registered vide document No.1989 of 1974. Thereafter, on the strength of the sale deed, the petitioners 2 to 5 herein obtained sub-division in survey No.68 2B/1B and 68 2B/1C and also obtained patta No.461 and 567. In fact, the said patta is also under challenge before the Revenue Divisional Officer, Mettur, Salem District. In fact, the petitioners as well as the second respondent filed writ petitions before this Court in WP.No.28104 and 33720 of 2022, in which this Court passed common order directing the Revenue Divisional Officer to proceed with the enquiry after giving an opportunity of hearing to all the parties and to pass orders within a period of four weeks from the date receipt of the order dated 02.06.2023. Further, the petitioners have challenged only summons issued to them in the present criminal original petition. They did not even challenge the complaint or proceedings initiated in CC.No.1212 of 2020. Therefore, this Court finds no infirmity or illegality in taking cognizance by the learned Judicial Magistrate No.VI, Salem.

5. Accordingly, this criminal original petition is dismissed. However, considering the age of the petitioners, the personal appearance of the



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petitioners is dispensed with and they shall be represented by a counsel after filing appropriate application. The petitioners shall be present before the Court below at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C. and at the time of passing judgment. Consequently, connected miscellaneous petitions are closed.

09.10.2023

Index :Yes/No
Internet : Yes/No
Speaking order/non-speaking order
lok

To



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- 1.Judicial Magistrate No.VI,
Salem
- 2.The Inspector of Police,
Anti Land Grabbing Special Cell,
Kamaraj Nagar, Gonur Village,
Mettur Dam, Salem District
- 3.The Public Prosecutor,
High Court of Madras

G.K.ILANTHIRAIYAN, J.

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