



Crl.O.P.No.30044 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.30044 of 2019

and

Crl.M.P.Nos.16245 & 16252 of 2019

- 1.K.C.Natarajan
- 2.Baby
- 3.Mallika
- 4.Rani
- 5.Jyothi Lakshmi
- 6.Sivakumar
- 7.Dhanusgodi
- 8.Venkidasamy
- 9.Bunk Selvam
- 10.Allimuthu
- 11.Senthilvel
- 12.Govindaraj
- 13.Arumugam
- 14.Siva

...Petitioners

-Vs-

- 1.The State rep.by
The Inspector of Police,
District Crime Branch,
Erode.

.. 1st respondent / Complainant

- 2.B.Geetha

... 2nd respondent / De-facto Complainant



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Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records relating to the proceedings in C.C.No.649 of 2019 on the file of the Special Court for Exclusive Trial of Land Grabbing Cases, Erode and to quash the same.

For Petitioner	: Mr.K.S.Karthik Raja
For R1	: Mr.A.Damodaran, Additional Public Prosecutor
For R2	: Mr.V.P.K.Gowthaman

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.649 of 2019 on the file of the Special Court for Exclusive Trial of Land Grabbing Cases, Erode, filed for the offence under Sections 120(B), 419, 420, 427, 467, 468, 471, 109, 506(i) and 447 of IPC.

2.It is alleged that A1 whose name is K.C.Natarajan, impersonated himself as another K.C.Natarajan and obtained release of document



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mortgaged by the said K.C.Natarajan and thereafter, settled the property in favour of A2 to A7. After obtaining release of the documents, it is alleged that the accused disturbed the possession and damaged the property of the de-facto complainant, who is said to be the legal heir of the said K.C.Natarajan, who was impersonated.

3.The learned counsel for the petitioner would submit that there is a civil suit pending in respect of the same transactions and there are no allegations against the petitioners with regard to impersonation. The allegation is only against A1 and A2. The learned counsel would further submit that the alleged occurrence of demolishing the house relates to an adjacent property and not the property in question, which is the subject matter of the final report.

4.The learned Additional Public Prosecutor submits that there are allegations in the final report, which has to be adjudicated only before the Trial Court. Hence, he prayed for dismissal of the quash petition.



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5.This Court on a reading of the final report and the submissions made by the learned counsel for the petitioner finds that all the submissions are factual in nature and the same has to be adjudicated only before the trial Court. Hence, this Court is not inclined to entertain the quash petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Crl.M.P.No.16245 of 2019 is closed.

6.Since the most of the petitioners are ladies and some petitioners are very old, this Court dispenses with the personal appearance of the petitioners before the trial Court, unless the learned Judge considers their appearance necessary for the progress of the trial. Accordingly, Crl.M.P.No.16252 of 2019 is ordered.

10.04.2023

smv

Index : Yes/No
Speaking order: Yes/No
Neutral citation : Yes/No



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To,
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- 1.The Inspector of Police,
District Crime Branch,
Erode.
- 2.The Special Court for Exclusive Trial of Land Grabbing Cases, Erode.
- 3.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN,J.

smv

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