



Crl.O.P.(MD)No.5938 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.5938 of 2023 and
Crl.MP(MD) No.5198 of 2023

M.Muthusamy

... Petitioner

Vs.

1.The Inspector of Police,
Anti Land Grabbing Cell,
District Crime Branch,
(Crime No.27/2021-DCB),
Thoothukudi District.

2.G.Rajendhran

3.G.R.Ananthapadmanapan

4.G.R.Radhakrishnan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to order dated 24.01.2023 made in Cr.M.P.No.895 of 2022 in Crime No.27 of 2021 on the file of the Hon'ble Special Court for Land Grabbing Cases, Thoothukudi, Thoothukudi District and SET ASIDE the order and thereby SET ASIDE the impugned deletion report dated 09.07.2022.

For Petitioner

: Mr.S.Saravanan

For R1 & R2

: Mr.S.Manikandan

Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to call for the records relating to order, dated 24.01.2023 made in Cr.M.P.No.895 of 2022 in Crime No.27 of 2021 on the file of the Special Court for Land Grabbing Cases, Thoothukudi, Thoothukudi District and set aside and thereby, set aside the impugned deletion report, dated 09.07.2022.

2. Against the cryptic order passed by the Special Court for Land Grabbing Cases, Thoothukudi, Thoothukudi District in Cr.M.P.No. 895 of 2022 in Crime No.27 of 2021 this Criminal Original Petition has been filed. Originally, the defacto complainant, who is the petitioner herein filed a complaint against seven persons and during the course of investigation, name of the three persons were deleted and at the time of passing final report, over which, the petitioner was served with notice by the trial Court. The petitioner has also appeared and filed his objections, but, however, no reasoned order is passed by the trial court. It has been simply stated that the defacto complainant was present and also filed his objections. Without assigning any reason, the above said deletion report has been accepted by the trial court. This shows non application of



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mind of the trial court.

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3. The learned Government Advocate (Crl. Side) submits that during the course of investigation some sort of terms reached between the parties, over which, only the deletion has been made. But, this fact is not accepted by the petitioner stating that no settlement was effected between the parties.

4. Whatever may be, the trial Court is directed to restore the deletion report and give an opportunity to the petitioner to putforth his arguments and thereafter, pass reasoned orders.

5. With the above direction, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

30.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
trp

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To

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- 1.The Inspector of Police,
Anti Land Grabbing Cell,
District Crime Branch,
(Crime No.27/2021-DCB),
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J

trp

Order made in
Crl.O.P.(MD)No.5938 of 2023 and
Crl.MP(MD) No.5198 of 2023

Dated: 30.03.2023