



Crl.O.P.No.6218 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 06.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.6218 of 2023

and

Crl.M.P.Nos.3874 & 3876 of 2023

1.Manjula

2.Padmasri

3.Rajagopal

.. Petitioners

Vs.

1.The State Represented by
The Inspector of Police,
Anti-Land Grabbing Special Cell,
District Police Office Campus,
Coimbatore – 18.

2.P.Duraisamy

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in C.C.No.35 of 2022 on the file of the Judicial Magistrate cum Land Grabbing Court, Coimbatore District and quash the same as against the petitioner.



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For petitioners : Mr.M.Selvam
For R1 : Mr.A.Gopinath
Government Advocate (Crl. Side)
For R2 : Mr.T.Gowthaman
Senior Counsel

ORDER

The Criminal Original Petition has been filed to call for the records pertaining to the proceedings in C.C.No.35 of 2022 pending on the file of the Judicial Magistrate cum Land Grabbing Court, Coimbatore District and quash the same as against the petitioners by allowing this Criminal Original Petition.

2.It is brought to the notice of this Court that A1 had already moved Crl.O.P.No.24805 of 2021 before this Court and this petition was dismissed by an order dated 30.01.2024. The reasons that have been assigned in that order will equally be applicable to the petitioners also.

3.The grounds raised by the learned counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this



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Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. The facts of this case and grounds raised in the quash petition does not fall within the parameters laid down by the Apex Court in Bhajan Lal case reported in **(1992) Suppl (1) SCC 335**. It is left open to the petitioners to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

4. Accordingly, this Criminal Original Petition is dismissed with a direction to the Court below to complete the proceedings in **C.C.No.35 of 2022** on the file of Judicial Magistrate cum Land Grabbing Court, Coimbatore District, within a period of **three** months from the date of receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in ***Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]***. If the petitioners adopt any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners and remand them to custody as per the judgment of the Hon'ble Supreme Court in ***STATE***



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OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4)

SC 3191). Consequently, the connected miscellaneous petitions are closed.

06.03.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

- 1.The Judicial Magistrate cum Land Grabbing Court,
Coimbatore District.
- 2.The State Represented by
The Inspector of Police,
Anti-Land Grabbing Special Cell,
District Police Office Campus,
Coimbatore – 18.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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N.ANAND VENKATESH, J.

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