



Crl.O.P.No.9589 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.No.9589 of 2024
and Crl.M.P.Nos.6657 & 6721 of 2024

1.Myilsamy

2.Vellingiri

3.V.Sudha

... Petitioners/Accused 1 to 3

Vs.

1. State represented by
The Inspector of Police,
District Crime Branch,
Coimbatore.
In Crime No.32 of 2021

...1st Respondent/Complainant

2. The Tahsildar,
Tahsildar Office,
Pollachi,
Coimbatore District.

... 2nd Respondent
/De-facto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C,
to call for the records relating to the proceedings in C.C.No.689 of 2023
on the file of the Learned Judicial Magistrate Court No.I, Pollachi and
quash the same as illegal.



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For petitioner : M/s.M.Purushothaman
For Respondents : Mr.K.M.D.Muhilan,
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.689 of 2023 on the file of the Learned Judicial Magistrate Court No.I, Pollachi

2. It is the case of the prosecution that on the basis of a representation dated 26.11.2021 made by one Ranjith Kumar to the Revenue Office, the Tahsildar, Pollachi Taluk had lodged a complaint on 27.11.2021 to the 1st respondent police on 27.11.2021 which has been registered in Crime No.32 of 2021 against the petitioners for the offences under Sections 120(B), 466, 468, 471 and 420 of IPC. After the investigation by the respondent police, it was found that the petitioners have fabricated death certificate, legal heirs certificates of one Ponnaiah Gounder and his sons Senniappa Gounder and Kaliappa Gounder and subsequently of Kuppanada Gounder whom the petitioners alleged to be their forefathers and on the basis of which, have registered a settlement deed bearing Document No.2584/2019 dated 14.06.2019 in respect of the



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land situated in S.F.No.856/2C measuring to an extent of 0.54 Acres situated in Kaliyapuram Village, Anaimalai Taluk, Coimbatore District before Sub Registrar Office, Anaimalai before the Sub Registrar Office, Anaimalai and for the above alleged offences, charge sheet has been filed in C.C.No.689 of 2023 on the file of the Learned Judicial Magistrate, Special Court for Land Grabbing Cases, Coimbatore for the alleged offences.

3. The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners and there is no specific allegation as against the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioners have to be gone into only at the time of trial and hence, he prayed for dismissal of the petition.

5. In the above circumstances, the trial court has rightly taken the case on file and this Court is of the considered view that no prejudice



would be caused to the petitioner, if he is subjected to due trial as sufficient opportunity would be given to the petitioners to put forth his defence. The petitioners cannot be let by quashing the charges framed against him as that would completely undermine the alleged act, which is the subject matter of criminal trial pending against him. Useful reference in this regard can be made to the decision of the Hon'ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)*** .

6. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.689 of 2024 on the file of the Learned Judicial Magistrate Court No.I, Pollachi. Accordingly, this Criminal Original Petition is dismissed. Taking into consideration the request as made by the learned counsel for the petitioners, the appearance of the petitioners before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days. Consequently, connected miscellaneous petition is closed.



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7. In view of the order passed in Crl.O.P.No.9589 of 2024, no order needs to be passed in Crl.M.P.No.6721 of 2024 filed seeking to dispense with the personal appearance of the petitioners. Accordingly, the Crl.M.P.No.6721 of 2024 stands closed.

22.04.2024

Index : Yes/No

Internet : Yes/No

NHS

To

1. The Learned Judicial Magistrate Court No.I,
Pollachi
2. The Inspector of Police,
District Crime Branch,
Coimbatore.
3. The Tahsildar,
Tahsildar Office,
Pollachi,
Coimbatore District.
4. The Additional Public Prosecutor,
Madras High Court.



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M.DHANDAPANI. J.

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