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Crl.OP.No.9186 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.9186 of 2024

and

Crl.MP.Nos.6439 and 6441 of 2024

V.Nandhakumar

... Petitioner

Vs.

1. Inspector of Police,
Central Crime Branch III,
Team 25,
Land Grabbing Investigation Wing-2,
Vepery, Chennai-600 007.
(CCB X Cr.No.359 of 2012)

2. D.L.Raja

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C,1973, to call for records relating to the CC No.6931 of 2023 pending on the file of the Metropolitan Magistrate for exclusive trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai and quash the same in so far as the petitioner is concerned.



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For Petitioner : Mr.R.Thiagarajan

For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)
for R1

: No appearance for R2

ORDER

The petitioner herein is the 5th accused in C.C.No.6931 of 2023 on the file of Metropolitan Magistrate Court for exclusive trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai. The charge against the petitioner is that he in connivance with A1 and A3 with the intention to grab the property of the defacto complainant, had created lease tenancy agreement and got into the property of the defacto complainant and refused to vacate the premises, when the petitioner sought for vacant possession.

2. The learned counsel appearing for the petitioner submits that the alleged fraudulent and fabrication of documents is not known to the petitioner herein. He was a tenant under original owner Ramachandar Rao between 2008 and 2012, soon after demise of Ramachandar Rao he had vacated the premises and he is no way connected with the offence



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alleged in the complaint dated 05.07.2012. However, the first respondent police had implicated him as one of the accused as if he has connived with the prime accused A1 and others to grab the property of the defacto complainant.

3. The learned counsel for the petitioner further submits that in so far as the other tenants shown as A6 and A7, the complaint was quashed even before the final report filed. This petitioner was not aware of the complaint, came to know about the case only on receiving summons from the court and therefore seeks quash of the complaint against him.

4. The notice sent to the second respondent/defacto complainant returned intimating his demise. The learned counsel representing second respondent submits that he will get instructions from the legal heirs of the defacto complainant and report, but, today(02.08.2024), there is no representation.

5. The learned Government Advocate (Crl.Side) submits that the possession of house is with the legal heirs of the defacto complainant. The petitioner is not in the premises.



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6. From the records, this Court finds that the petitioner had no way connected with A1 who was cook under Ramachandar Rao. The petitioner being a direct tenant under Ramachandar Rao had vacated the premises in and around the period Ramachandar Rao died. While so, there is no material to infer that this petitioner had any intention of grabbing the property of Ramachandar Rao after his demise. If at all any materials available it may be against the A1 and others but not against the petitioner. There is no purpose in prosecuting him.

7. The learned counsel for the petitioner has filed affidavit stating that some time during the year 2008, he took up the premises for rent for his son's studies at Chettinad Vidhyashram directly under Dr.D.L.Ramachandar Rao and he had vacated the premises in the year 2012 itself restoring the possession to the second respondent (defacto complainant) .

8. The rent control proceedings initiated by the defacto complainant against the tenants including the petitioner ended in favour of the landlord/second respondent in which the petitioner herein did not contest and let the eviction petition ordered exparte.



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9. Considering the fact that the petitioner had made out the case that he was tenant under the lawful owner and vacated the premises and handed over the same to the lawful owner, the case of the prosecution that he aided the other accused to grab the land does not stand. The case against the petitioner/A5 in C.C.No.6931 of 2023 stands quashed. Hence, this Criminal Original Petition to quash is allowed. Consequently, the connected miscellaneous petitions are closed.

01.08.2024

Vv

To

1. The Metropolitan Magistrate for
exclusive trial of CCB Cases
(relating to cheating cases in Chennai)
and CBCID Metro Cases, Egmore, Chennai
2. The Inspector of Police,
Central Crime Branch III,
Team 25,
Land Grabbing Investigation Wing-2,
Vepery, Chennai-600 007.
3. The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN,J.

Vv

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