



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 26844 of 2022
& CrL.MP. 14565 & 14566 of 2022

1.T.Anandhan
2.Arul Mani

...petitioners

Vs.

1 The Inspector of Police,
Central Crime Branch,
The Prevention of Land Grabbing,
Team No. XVIII, Egmore, Chennai,
Crime No. 391 of 2012

2. M.Selvi

...Respondents

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call for records and quash the charge sheet filed by the respondent police in C.C No. 16 of 2022 against the petitioners (A4 and A6) pending on the file of the learned Special Court for Land Grabbing II, Allikulam, Chennai.



For Petitioner: Mr.S.Selvaraj
For R1 : Mr.S.Vinoth Kumar,
Government Advocate (Crl. Side)
For R2 : Mr.K.Subhram

ORDER

The petitioner herein filed this petition to call for records and quash the charge sheet filed by the respondent police in C.C No. 16 of 2022 against the petitioners (A4 and A6) pending on the file of the learned Special Court for Land Grabbing II, Allikulam, Chennai.

2. The case of the prosecution is that without title or documents in respect of 41 cents of land situated in survey No. 54/1 and 54/2, Kodungaiyur Village, Thondaiyarpur Taluk, Chennai, the accused No.A1 to A3 in the above C.C gave power to the first petitioner/A4 herein as their power aged and the said power was registered before the District Registrar, Vellore as Document No. 858 of 2002. Based upon the power the first petitioner/A4 put the lay out and sold the plots various persons by way of registered sale deed in favour of purchaser. Further, the prosecution alleged that while selling the plots, to the purchasers the first petitioner herein fraudulently mentioned in the sale deeds executed by him that power document is registered at SRO Sembium instead Vellore. The second petitioner/A6 herein is a witness to the power document obtained by the



first petitioner and so he has been arrayed as A6 by the respondent police in the above C.C before the trial Court. Further, the above said 41 cents land of situated in the above said survey numbers are converted by the first petitioner into plots and sold the plots by changing plot number No.26 as 26a, and plot No. 28 changed as 28A and plot No. 15 sold the said plots same to A9, A14 and A12 respectively by mentioning the Sri Vinayagar Nagar, Kodungaiyur, Chennai which is the similar name of the vendor of the defacto complainant's lay out. Hence, the act of the first petitioner was forced to register the FIR against him. In the said crime number the respondent police filed a charge sheet on 19.02.2019 and numbered as C.C No. 16 of 2022. Previously the respondent police filed charge sheet before the CCB Court, Egmore, Chennai and numbered as C.C No. 5062 of 2020 and subsequently transferred the said C.C to the Special Court for land grabbing - II and renumbered as C.C No. 16 of 2022 and now the C.C is pending before the Special Court for land Grabbing - II, Allikulam, Chennai.

3. Heard both sides.

4. According to the petitioners, based on the preliminary decree in O. S No. 435 of 1955 the final decree was passed in I.A No. 87 of 1959 in OS



No. 435 of 1955 in respect of survey No. 54/1, and 54/2. Therefore, based on the said decree the petitioners were sold the property, but the petitioners were falsely impleaded in this case. Further, on seeing the allegations against the petitioners and others they were fabricated the plot numbers and fraudulently transferred the plots to others name for unlawful gains and the many peoples were cheated by the accused persons to the tune of Rs.75,00,000/-. Hence, this Court is not inclined to allow this petition which needs detailed investigation, the petitioners can work out their remedy before the Trial Court.

5. In the result, this petition is dismissed. No Costs. Consequentially, connected miscellaneous petition is closed.

05.02.2024

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To
The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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& Crl.MPs. 16480 of 2022

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