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Crl.O.P.No.32096 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.32096 of 2022

and

Crl.M.P.Nos.19759 & 19762 of 2022

R.Magesh

... Petitioner

Vs.

1.State Rep. by

The Inspector of Police

Central Crime Branch-I,

Chennai.

(Crime No.35 of 2022)

2.Samsunisha

...Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records in connection with C.C.No.133 of 2022 on the file of the learned Special Metropolitan Magistrate Court (Land Grabbing Cases)-II, Allikulam, Chennai and quash the same.

For Petitioner : Mr.V.C.Vinoth Kumar

For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioner has filed this Criminal Original petitions to quash the proceedings in C.C.No.133 of 20, pending on the file of the Special Metropolitan Magistrate Court (Land Grabbing Cases) – II, Allikulam, Chennai, in which cognizance was taken for the offence punishable under Sections 419, 465, 467, 468, 471 r/w 34 of Indian Penal Code.

2. The case of the prosecution is that on 21.08.2021, when the sons of the 2nd respondent / defacto complainant went to fence their property situated at Pallikaranai, VGP Shanthi Nagar, Avvai Street, Plot No.102, a person came to their place and objected as if the said property belonged to them. Upon a complaint given in Pallikaranai Police Station, it was revealed that someone impersonated the defacto complainant and sold the property as if the defacto complainant had sold it to one Paneer Selvam on 03.02.2020. The 2nd respondent lodged a complaint before the 1st respondent, and they registered a case in Crime No.35 of 2022 for the offences punishable under Sections 419, 465, 467, 468, 471 r/w 34 of Indian Penal Code and filed a final report before the learned Special Metropolitan Magistrate Court (Land Grabbing Cases)-II, Allikulam, Chennai and the same was numbered as



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C.C.No.133 of 2022 and the same was pending.

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3. The learned counsel for the petitioner submitted that the petitioner is ranked as A6 and he was only a broker and he was falsely implicated in this case, and he is not aware of the other particulars regarding the alleged sale transaction. He was only a broker, and he also refunded the brokerage amount, hence he wants to quash the proceedings against him.

4. The learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that by way of reply, the prosecution submits that the charge sheet, knowing fully well accused 1 to 6 actively participated in the grabbing of land belonging to the defacto complainant and fabricated documents and shared the amount in the presence of the petitioner and other parties. Moreover, this petitioner also engaged in the impersonating, so it needs detailed evidence, and it has to be decided on merits. Therefore, this Court declines to quash the proceedings in C.C.No.133 of 2022 on the file of the learned Special Metropolitan Magistrate Court (Land Grabbing Cases)-II, Allikulam, Chennai. Liberty is granted to the petitioner to present all his defences before the trial Court in accordance with the law.



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5. Accordingly, this Criminal Original Petition is dismissed and
Consequently, the connected miscellaneous petitions are closed.

09.01.2024

Speaking Order/ Non Speaking Order

Index: Yes/ No

Neutral Citation: Yes/No

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To

1.The Inspector of Police, Central Crime Branch-I,
Chennai.

2.The Public Prosecutor,
High Court of Madras.

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and

Crl.M.P.Nos.19759 & 19762 of 2022