



Crl.O.P.(MD)No.3757 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 03.04.2024

CORAM:

THE HONOURABLE **MR.JUSTICE AA.NAKKIRAN**

Crl.O.P.(MD)No.3757 of 2021  
and Crl.O.P.(MD)Nos.2081 & 2082 of 2021

1.Gurusamy

2.Poisollan

3.A.B.Paramasivam

... Petitioners

Vs.

1.State represented through  
The Inspector of Police,  
Anti Land Grabbing Special Cell,  
Madurai City, Madurai.  
(Crime No.13 of 2012)

2.N.Gurusamy Naidu

... Respondents

**PRAYER** : Criminal Original Petition is filed under Section 482 Cr.P.C, to call for the records in C.C.No.26 of 2019 pending on the file of the Special Court for Exclusive Trial of Land Grabbing Cases, Madurai and quash the same insofar as the petitioners are concerned.

For Petitioner

: Mr.D.Sadiq Raja

For R1

: Mr.R.M.Anbunithi,

Additional Public Prosecutor



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For R2

: Mr.R.M.Mahesh Kumaravel

### **ORDER**

This criminal original petition has been filed to quash the impugned charge sheet in C.C.No.26 of 2019 pending on the file of the Special Court for Exclusive Trial of Land Grabbing Cases, Madurai.

2.The case of the prosecution is that A5 created bogus documents and thereby, registered sale deed in favour of the petitioners. The petitioners conspired with the Society and executed rectification deed in respect of the alienation, in order to grab property. Hence, the second respondent lodged a complaint, based on which, a case in Cr.No.13 of 2012 registered for the offence under Sections 120B, 409, 468, 471 and 420 IPC. Upon completion of investigation, the first respondent filed the final report, which was taken on file in C.C.No.26 of 2019 by the Special Court for Exclusive Trial of Land Grabbing Cases, Madurai. Challenging the same, the present petition has been filed.

3.The learned counsel appearing for the petitioners



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submitted that the petitioners did not commit any offence as alleged by the prosecution and already civil litigations are pending between the parties. He further submitted that the second respondent lodged the present complaint by giving criminal colour to the civil dispute and the first respondent without conducting proper investigation, filed the final report. Accordingly, he prayed to quash the impugned charge sheet.

4.The learned Additional Public Prosecutor appearing for the first respondent submitted 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.The learned counsel appearing for the second respondent submitted that there is no ground to quash the charge sheet and the petitioners have to face the trail. Accordingly, he prayed to dismiss the present petition.

6.Time and again, this Court as well as the Supreme Court has cautioned the courts about the necessary precautions to be taken while quashing the charge sheet at the initial stage. Useful



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reference in this regard can be had to the decision of the Hon'ble Apex Court in ***State of Haryana - Vs - Bhajan Lal (1992 SCC (Crl.) 426).***

7.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 petitioner to put forth his defence. The petitioner cannot be let by quashing the charge framed against them as that would completely undermine the alleged acts, which is the subject matter of criminal trial pending against him.

8.For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.26 of 2019 pending on the file of the Special Court for Exclusive Trial of Land Grabbing Cases, Madurai. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petition is closed. The petitioners are at liberty to raise all the grounds, which are raised in the present petition, before the trial Court.

9.At this juncture, the learned counsel appearing for the



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petitioners prayed to dispense with the personal appearance of the  
petitioners before the Trial Court.

10.Considering the request made by the learned counsel  
appearing for the petitioners, the personal appearance of the  
petitioners is dispensed with before the trial Court with the  
following conditions:-

i)The personal appearance of the petitioners 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 petitioner is necessary, the trial court,  
at its wisdom, shall direct their appearance on those days.

**03.04.2024**

Index: Yes/No  
Internet: Yes/No  
gns

**AA.NAKKIRAN,J**



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To

- 1.The Special Court for Exclusive Trial of Land Grabbing Cases,  
Madurai.
- 2.The Inspector of Police,  
Anti Land Grabbing Special Cell,  
Madurai City, Madurai.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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