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CrI.O.P.(MD)No.6354 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.02.2024**

CORAM:

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

CrI.O.P.(MD) No.6354 of 2022

and

CrI.M.P.(MD).No.4416 of 2022

- 1.Suresh Raman Nadar
- 2.Velayutha Perumal
- 3.Kumar Ponnaiyan
- 4.Kumara Udaya Marthandam
- 5.Annalakshmi

... Petitioners

Vs.

- 1.State represented by
the Inspector of Police,
DCB Police Station,
Kanyakumari District,
Kanyakumari.
(Crime No.24 of 2015)

- 2.Iyappan

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the case in C.C.No.72 of 2020 on the file of the learned Special Court for Land Grabbing Cases, Tirunelveli in Crime No.24 of 2015, dated 16.03.2015 on the file of the respondent No.1 and quash the same as illegal as against the petitioners alone.



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For petitioners : Mr.T.Lajapathi Roy
for Mr.S.Rajasekar
For R-1 : Mr.S.Manikandan,
Government Advocate (Criminal Side)
For R-2 : Mr.A.Sathik Raja

ORDER

This petition has been filed seeking to quash the case in C.C.No.72 of 2020 on the file of the Special Court for Land Grabbing Cases, Tirunelveli, for the alleged offence punishable under Sections 465, 468, 471 and 120(B) IPC insofar as the petitioners are concerned.

2. The case of the prosecution is that the petitioners had created forged document, for which, the second respondent has filed a complaint before the first respondent Police against the petitioners.

3. The learned Senior Counsel appearing for the petitioners submits that the transaction and the property dispute are only between one Thangamani Nadar and the second respondent and the petitioners are not party to the transaction and the second respondent claimed that already the petitioners executed a consent deed in favour of the said Thangamani Nadar in respect of the family property in order to alienate



the property and with the consent deed executed by the petitioners, the said Thangamani Nadar had alienated the property in favour of the second respondent and apart from that, the vendor of the second respondent executed the settlement deed in favour of the petitioners and the other accused. He would further submit that the petitioners and other legal heirs entered into a partition deed between them, for which, the second respondent / *defacto* complainant made a complaint before the first respondent for initiating malicious prosecution against the petitioners.

4. The learned counsel appearing for the second respondent on instructions submit that already the first petitioner has filed O.S.No. 131 of 2014 and O.S.No.35 of 2018 before the learned Judicial Magistrate, Eraniel and civil dispute is pending between them in this regard.

5. In view of the fact that the dispute is civil in nature, the second respondent had initiated the complaint before the law enforcing agency, it is to be pointed out that the parties have to work out their remedy in the pending civil suit.



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6. In the above backdrop, learned counsel on either side submits that, this Court, without going into the merits of the case, may grant liberty to the petitioners as well as the second respondent to canvass all the points raised in this petition before the concerned Civil Court where the civil suits are pending.

7. In view of the stand taken by the learned counsel on either side, on consensus, as the civil suits in O.S.No.131 of 2014 and O.S.No. 35 of 2018 before the learned Judicial Magistrate, Eraniel, the case in C.C.No.72 of 2020 on the file of the Special Court for Land Grabbing Cases, Tirunelveli is quashed insofar as the petitioners are concerned and further granting liberty to the parties to the *lis* to canvass all the points raised in this petition before the concerned court which the suits are pending.

8. Accordingly, the Criminal Original Petition is allowed with the aforesaid observation and direction. Consequently, the connected miscellaneous petition is closed.

26.02.2024

Index : Yes/No
Internet : Yes/No
TSG



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To

1.The Special Court for Land Grabbing Cases,
Tirunelveli.

2.The Inspector of Police,
DCB Police Station,
Kanyakumari District,
Kanyakumari.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

M.DHANDAPANI. J.

TSG

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