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CrI.O.P.(MD)No.6343 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.03.2024**

CORAM:

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

CrI.O.P.(MD) No.6343 of 2022

and

CrI.M.P.(MD).No.4407 of 2022

1.G.Pandi Selvam

2.C.Chidamparam

... Petitioners

Vs.

1.The Inspector of Police,
Anti Land Grabbing Special Cases Wing,
District Crime Branch,
Madurai District.
(Crime No.13 of 2015)

2.Sivakumaran

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records of the charge sheet in C.C.No.4 of 2020 pending on the file of the learned Special Judicial Magistrate / Special Court for Exclusive Trial of Land Grabbing Cases, Madurai and in Crime No.13 of 2015 on the file of the first respondent Police Station and quash the same as illegal insofar as the petitioners are concerned.

For petitioners

: Mr.Hendry Tiphange
for Mr.G.Ramapandian



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For R-1 : Mr.S.Manikandan,
Government Advocate
(Criminal Side)

For R-2 : Mr.P.Selvakamatchi

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.4 of 2020 pending on the file of the learned Special Judicial Magistrate / Special Court for Exclusive Trial of Land Grabbing Cases, Madurai, insofar as the petitioners are concerned.

2. The case of the prosecution is that due to civil dispute pending between the petitioners and the second respondent, the second respondent has filed a petition before this Court in Crl.O.P.(MD).No. 17788 of 2014 seeking for a direction to the Police officials to register a complaint against the accused persons. Accordingly, based on the direction issued by this Court, the first respondent Police has registered a case in Crime No.13 of 2015 for the offence punishable under Sections 468, 471, 420, 120B and 506(i) IPC. Thereafter, the first respondent has conducted investigation and after completing investigation, they filed a charge sheet before the learned Special Judicial Magistrate / Special Court for Exclusive trial of Land Grabbing Cases, Madurai and the same was taken on file in C.C.No.4 of 2020.



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3. The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners and there is no specific allegation as against the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that all those points raised before this Court is a triable issue, which cannot be canvassed before this Court and it can be canvassed only at the time of trial.

5. Heard the learned counsel appearing for the second respondent.

6. 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 petitioners, if they are subjected to due trial as sufficient opportunity would be given to the petitioners to put forth their defence. The petitioners cannot be let by quashing the charges framed against them as that would completely undermine the alleged act, which is the subject matter of criminal trial pending against them. Useful reference in this regard can be made to the decision of the Hon'ble Apex

Court in *State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)*



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7. For the reasons aforesaid, this Court finds no ground or scope to quash the proceedings in C.C.No.4 of 2020 pending on the file of the learned Special Judicial Magistrate / Special Court for Exclusive Trial of Land Grabbing Cases, Madurai. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

8. At this juncture, the learned counsel appearing for the petitioners would submit that this Court may consider to dispense with the personal appearance of the petitioners before the court below. Taking into consideration the request as made by the learned counsel for the petitioners, the appearance of the petitioners before the trial court 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 petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days.

13.03.2024

Index : Yes/No
Internet : Yes/No
TSG



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To

1.The Special Judicial Magistrate
/ Special Court for Exclusive Trial of
Land Grabbing Cases, Madurai

2.The Inspector of Police,
Anti Land Grabbing Special Cases Wing,
District Crime Branch,
Madurai District.

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



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M.DHANDAPANI. J.

TSG

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