



Crl.O.P.(MD)No.6901 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.6901 of 2022

and

Crl.M.P.(MD).Nos.4766 and 8639 of 2022

Alfred

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
DCB Tirunelveli,
Tirunelveli District.

2.The State through the
Inspector of Police,
DCB Tirunelveli,
Tirunelveli District.
Crime No.17/2016.

3.Ganapathiraman

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the charge sheet in C.C.No.262 of 2021 on the file of the learned Special Judge, Land Grabbing Cases, Tirunelveli, in Crime No.17 of 2016 dated 20.06.2016 on the file of the second respondent Police and quash the same against the petitioner alone.



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For petitioner	: Mr.K.Suyambulinga Bharathi
For R1 & R2	: Mr.S.Manikandan Government Advocate (Criminal Side)
For R3	: Mr.K.Chengiz Khan

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.262 of 2021 on the file of the learned Special Judge, Land Grabbing Cases, Tirunelveli, against the petitioner alone.

2. The case of the prosecution is that the first accused and the other accused persons induced the third respondent and others to purchase flat in Shifa Golden City situated at Konganathanparai Village, which was owned by the first accused. Accordingly, the third respondent and others have purchased house flats. While so, the learned I Additional District Judge, Tirunelveli, has passed the judgment that the land of Shifa Golden City belongs to one Arulmighu Sankaranarayana Swamy 11th Day Adi Thabasu Mandagapadi Trust and directed all the purchasers including the defacto complainant to hand over the possession to the said



Trust. Thereafter, it came to know that the first accused along with the other accused fabricated the documents without any title over the properties and sold the properties in favour of the third respondent/defacto complainant and others. When the same was questioned, the accused persons threatened the third respondent/defacto complainant and others. Hence, the complaint.

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

4. The learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 would submit that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioner have to be gone into only at the time of trial and hence, he prayed for dismissal of the petition.

5. 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 charges framed against him as that would completely undermine the alleged act, which is the subject matter of criminal trial pending against him. 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)***

6. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.262 of 2021, pending on the file of the learned Special Judge, Land Grabbing Cases, Tirunelveli.

7. The learned counsel appearing for the petitioner would submit that this Court may consider to dispense with the personal appearance of the petitioner before the court below.

8. Taking into consideration the request as made by the learned counsel for the petitioner, the appearance of the petitioner before the trial court is dispensed with except for his 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



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presence of the petitioner is necessary, the trial court, at its wisdom, shall direct his appearance on those days.

9. Accordingly, this Criminal Original Petition is dismissed.

Connected miscellaneous petitions are closed.

22.02.2024

Index : Yes/No
Internet : Yes/No
ssb

To

1. The learned Special Judge, Land Grabbing Cases, Tirunelveli.
2. The Deputy Superintendent of Police,
DCB Tirunelveli,
Tirunelveli District.
3. The State through the
Inspector of Police,
DCB Tirunelveli,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

ssb

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