



Crl.O.P.(MD)No.10071 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.10071 of 2022
and
Crl.M.P.(MD)No.6301 of 2022

- 1.Thangam
- 2.Muruganantham
- 3.Muthudurai
- 4.Saraswathi
- 5.Arulselvi
- 6.Fathima Selvin
- 7.Jeyakandan
- 8.Sugumar
- 9.Malliga

... Petitioners

Vs.

- 1.State through
The Inspector of Police,
District Crime Branch,
Tirunelveli District.
Cr.No.51 of 2010



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2.James

... Respondents

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PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in CC.No.132 of 2022 on the file of the Special Court for Land Grabbing Cases, Tirunelveli and quash the same in respect of the petitioners are concerned.

For Petitioner : Mr.T.A.Ebenzer

For R1 : Mr.S.Manikandan,
Government Advocate (Crl. Side)

For R2 : Mr.K.Sivabalan

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in CC.No.132 of 2022 on the file of the Special Court for Land Grabbing Cases, Tirunelveli.

2.The case of the prosecution is that the defacto complainant's father and his brother purchased land and they are the owners. A1 in this



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case, without any title, had executed sale deed in favour of the other accused persons. Hence, the defacto complainant filed a complaint before the learned Judicial Magistrate No.I, Tirunelveli and as per direction of the learned Magistrate, the first respondent registered a case in Cr.No.51 of 2010 for the offences punishable under Sections 465, 467, 468, 420 r/w 120(B) IPC. Upon completion of investigation, the first respondent Police filed a charge sheet, which was taken on file in CC.No.132 of 2022 by the Special Court for Land Grabbing Cases, Tirunelveli.

3.The learned counsel appearing for the petitioners submitted that there is civil dispute between A1 and the vendor to the defacto complainant and the same is converted into criminal case. He further submitted that the petitioners did not commit any offence and there is no specific allegations as against them. Accordingly, he prayed to quash the charge sheet.

4.The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the respondent has conducted a fair investigation and after examining the necessary witnesses and collecting



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all materials, he has filed the final report, which has been taken cognizance of by the court below.

5.The learned counsel appearing for the second respondent submitted that the grounds, which raised in this petition, are all triable issue and the same cannot be agitated before this Court under Section 428 Cr.P.C. He further 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 hence, he would pray to dismiss the present petition.

6.Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl.side) appearing for the respondent.

7.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 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).***



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8.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 charge framed against them as that would completely undermine the alleged acts, which is the subject matter of criminal trial pending against them.

9.For the reasons aforesaid, this Court finds no ground or scope to quash the proceedings in CC.No.132 of 2022 pending on the file of the Special Court for Land Grabbing Cases, Tirunelveli. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petition is closed.

10.At this juncture, the learned counsel appearing for the petitioners submitted that this Court may consider dispensing with the personal appearance of the petitioners before the court below. Taking into consideration the request as made by the learned counsel for the



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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.

07.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Special Court for Land Grabbing Cases,
Tirunelveli.
- 2.The Inspector of Police,
District Crime Branch,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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