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CrI.O.P.(MD)No.10930 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD) No.10930 of 2022
and
CrI.M.P.(MD).No.6897 of 2022

1.J.S.Leyronee Morais

2.Arumugam

... Petitioners

Vs.

1.State represented by
the Inspector of Police,
Anti Land Grabbing Special Cell,
Trichy District.
(Crime No.02 of 2014)

2.S.Maria Michael

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the Final Report in C.C.No.06 of 2022 on the file of the learned Special Land Grabbing Judicial Magistrate, Trichy in Crime No.02 of 2014 dated 30.01.2014 on the file of the first respondent and quash the same as illegal as against the petitioners alone.

For petitioners

: Mr.T.Lajapathi Roy
for Mr.S.Rajasekar



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For R-1

: Mr.S.Manikandan,
Government Advocate
(Criminal Side)

For R-2

: Mr.B.Prasanna Vinoth

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.06 of 2022 on the file of the learned Special Land Grabbing Judicial Magistrate, Trichy, insofar as the petitioners are concerned.

2. The case of the prosecution is that the petitioners had forged the documents pertaining to the land owned by the second respondent. Hence, the second respondent made a complaint before the first respondent Police and the first respondent Police has registered a case in Crime No.2 of 2014 for the alleged offence punishable under Sections 120b, 420, 423, 468, 471, 477(A) IPC. Thereafter, the first respondent has conducted investigation and after completing investigation, they filed a charge sheet in C.C.No.06 of 2022 on the file of the learned Special Land Grabbing Judicial Magistrate, Trichy. Challenging the same, the present petition has been filed.



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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 Government Advocate (Criminal Side) 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. 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)*

6. For the reasons aforesaid, this Court finds no ground or scope to quash the proceedings in C.C.No.06 of 2022 on the file of the



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learned Special Land Grabbing Judicial Magistrate, Trichy. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

7. 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.

20.03.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
TSG



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To

1.The Special Land Grabbing Judicial Magistrate, Trichy.

2.The Anti Land Grabbing Special Cell,
Trichy 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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