



WEB COPY



Crl.O.P.(MD)No.12692 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.12692 of 2022

and

Crl.M.P.(MD).Nos.8038 and 8039 of 2022

M.Muthuramalingam

... Petitioner

Vs.

1.State represented by
The Inspector of Police,
City Crime Branch,
Tirunelveli District.
(Crime No.54 of 2012)

2.Rajasingh Harington

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records pertaining to the case in C.C.No.541 of 2019 pending on the file of the Special Court for Land Grabbing Cases. Tirunelveli District and quash the same as against the petitioner.

For petitioner

: Mr.R.Anand

For R-1

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



WEB COPY



CrI.O.P.(MD)No.12692 of 2022

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.541 of 2019 pending on the file of the Special Court for Land Grabbing Cases. Tirunelveli District, insofar as the petitioner is concerned.

2. It is alleged that the petitioner along with other accused persons had cheated the second respondent by using the patta which was already cancelled on 27.03.2008 and received a sum of Rs.24,00,000/- . It is further alleged that the petitioner did not repay the said amount to the second respondent. Due to which, the second respondent made a complaint before the first respondent Police and the same was registered in Crime No.54 of 2012. Thereafter, the respondent Police has conducted investigation and on completion of investigation, they filed a charge sheet in C.C.No.541 of 2019 on the file of the learned Special Court for Land Grabbing Cases, Tirunelveli District for the alleged offence punishable under Sections 120B, 465, 468, 471 and 420 IPC.

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 (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 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.541 of 2019 on the file of the learned Special Court for Land Grabbing Cases, Tirunelveli District. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.



WEB COPY

CrI.O.P.(MD)No.12692 of 2022



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

12.03.2024

Index : Yes/No

Internet : Yes/No

TSG

To

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

2.The Inspector of Police,
City Crime Branch,
Tirunelveli District.
(Crime No.54 of 2012)

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



WEB COPY



Crl.O.P.(MD)No.12692 of 2022

M.DHANDAPANI. J.

TSG

Crl.O.P.(MD)No.12692 of 2022

12.03.2024