



Crl.O.P.(MD)No.16273 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.03.2024

CORAM:

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

Crl.O.P.(MD) No.16273 of 2022

and

Crl.M.P.(MD).No.10785 of 2022

Imthias @ Ethikasha Shahib Sarguru

... Petitioner

Vs.

1.State represented by
the Inspector of Police,
Anti Land Grabbing Special Cell,
District Crime Branch,
Madurai District.
(Crime No.52 of 2014)

2.Tajpeeran

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for records of the charge sheet in C.C.No.22 of 2019 on the file of the Special Judicial Magistrate (Special Court for Exclusive Trial of Land Grabbing Cases), Madurai and quash the same as illegal and abusive of process of law insofar as the petitioner is concerned.

For petitioner

: Mr.C.Emalias
for Mr.A.Robinson

For R-1

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

For R-2

: Mr.S.Nihar Ali



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ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.22 of 2019 for the offences punishable under Sections 120(b), 406, 465, 468 and 471 IPC before the learned Special Judicial Magistrate (Special Court for Exclusive Trial of Land Grabbing Cases), Madurai, insofar as the petitioner is concerned.

2. The case of the prosecution is that the petitioner along with other accused persons have fabricated the documents and sold the properties belonged to the Dharka. 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. He would further submit that the present case is purely a civil dispute and the second respondent has been attempting to give civil dispute a criminal colour.

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. 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 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)***

7. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.22 of 2019 on the file of the learned Special Judicial Magistrate (Special Court for Exclusive Trial of Land Grabbing Cases), Madurai.

8. 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.



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9. 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.

10. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

25.03.2024

Index : Yes/No

Internet : Yes/No

NCC : Yes / No

TSG

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 Cell,
District Crime Branch,
Madurai District.



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



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M.DHANDAPANI. J.

TSG

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