



Crl.O.P.(MD)No.16783 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2024

CORAM:

THE HONOURABLE **MR.JUSTICE AA.NAKKIRAN**

Crl.O.P.(MD)No.16783 of 2021
and Crl.O.P.(MD)No.9065 of 2021

Sundaravel

... Petitioner

Vs.

1.The Inspector of Police,
Anti Land Grabbing Spl.Cell,
Ramanathapuram
(Crime No.7 of 2016)

2.Hakkeem

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 Cr.P.C, to call for the records pertains to the impugned charge sheet in C.C.No.1 of 2020 on the file of the Spl.Judicial Magistrate Court (Land Grabbing Cases), Ramanathapuram and quash the same.

For Petitioner

: Mr.R.Gowrishankar

For R1

: Mr.R.M.Anbunithi,
Additional Public Prosecutor

For R2

: Mr.K.R.Laxman



CrI.O.P.(MD)No.16783 of 2021

ORDER

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This criminal original petition has been filed to quash the impugned charge sheet in C.C.No.1 of 2020 on the file of the Spl.Judicial Magistrate Court (Land Grabbing Cases), Ramanathpuram.

2.The case of the prosecution is that the accused forged the documents with regard to the land property and sold the same and thereby, cheated the defacto complainant. Hence, the second respondent lodged a complaint, based on which, a case in Cr.No.7 of 2016 registered for the offence under Sections 420, 423, 465, 468, 471 r/w 120(b) IPC. Upon completion of investigation, the first respondent filed the final report, which was taken on file in C.C.No.1 of 2020 by the Spl.Judicial Magistrate Court (Land Grabbing Cases), Ramanthapuram. Challenging the same, the present petition has been filed.

3.The learned counsel appearing for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution and already civil litigations are pending between the petitioner and the second respondent. He further submitted that the second respondent lodged the present complaint by giving



Crl.O.P.(MD)No.16783 of 2021

criminal colour to the civil dispute and the first respondent without conducting proper investigation, filed the final report. Accordingly, he prayed to quash the impugned charge sheet.

4.The learned Additional Public Prosecutor appearing for the first respondent submitted 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.The learned counsel appearing for the second respondent submitted that the petitioner herein grabbed the property, which was purchased by his father, by way of fraudulent sale deed and hence, he prayed to dismiss the present petition.

6.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).***



Crl.O.P.(MD)No.16783 of 2021

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

8.For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.1 of 2020 pending on the file of the Spl.Judicial Magistrate Court (Land Grabbing Cases), Ramanathpuram. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petition is closed.

9.At this juncture, the learned counsel appearing for the petitioner prayed to dispense with the personal appearance of the petitioners before the Trial Court.

10.Considering the request made by the learned counsel appearing for the petitioner, the personal appearance of the



Crl.O.P.(MD)No.16783 of 2021

petitioner is dispensed with before the trial Court with the following conditions:-

i)The personal appearance of the petitioner 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.

03.04.2024

Index: Yes/No
Internet: Yes/No
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To

- 1.The Spl.Judicial Magistrate Court (Land Grabbing Cases),
Ramanathapuram.
- 2.The Inspector of Police,
Anti Land Grabbing Spl.Cell,
Ramanathapuram.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.16783 of 2021

AA.NAKKIRAN,J

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CrI.O.P.(MD)No.16783 of 2021

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