



Crl.O.P.(MD)No.18709 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE AA.NAKKIRAN

Crl.O.P.(MD)No.18709 of 2021 and
Crl.M.P(MD).Nos.10361 and 10363 of 2021

1.Sundaram

2.Ammavasi

... Petitioners

Vs.

1. The Inspector of Police,
Anti Land Grabbing Wing,
Madurai District.
(Crime No.27 of 2018)

2.D.Srinivasan

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 Cr.P.C, to call for the records relating to the charge sheet in C.C.No.34 of 2019 on the file of the learned Special Judicial Magistrate Special Court for Exclusive Trial and Land Grabbing Case, Madurai pending disposal of the case and quash the same.

For Petitioners : Mr. S.Ramsundar Vijayaraj

For 1st respondent : Mr. Mr.Vaikkam Karunanithi

Government Advocate (Crl. side)

ORDER

This criminal original petition has been filed to call for the records



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in C.C.No.34 of 2019 on the file of the learned Special Judicial Magistrate Special Court for Exclusive Trial and Land Grabbing Case, Madurai and quash the same.

2. The case of the prosecution is that the defacto complainant is the owner of the property in S.Nos.357/1 and 357/11 and the grandmother of the defacto complainant has settled the property in favour of him vide Document No.622/2003 and he is in possession and enjoyment of the property and all the revenue records are standing in his name. While so, the defacto complainant was trying to lay the borewell for agricultural operations in the above said survey Numbers and at that time, the petitioners herein trespassed into his property and threatened him with dire consequences. Thereafter, he came to know that A2 to A5 have conspired together and created the fabricated sale agreements, dated 15.03.2007 vide Document No.613/2007 registered before the Chekkanoorani Sub Registrar Office and hence, he lodged a complaint before the first respondent police. Based on the complaint, a case was registered in Crime No.27 of 2018 on the file of the first respondent Police and thereafter, charge sheeted in C.C.No.34 of 2019 for the



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offences under Sections 120(b), 465, 468, 471, 420, 506(i), 466 and 294(B) IPC on the file of the Special Court for Anti Land Grabbing Cases, Madurai. Challenging the same, the petitioners herein have filed the present Criminal Original Petition.

3. The learned counsel appearing for the petitioners submitted that the property in question has been in possession and enjoyment of one Velu and thereafter, the said property devolved on his daughter-in-law viz., Muthupillai @ Sivanammal and thereafter, the said property devolved on A2 to A5. Being the ancestral property, the petitioners herein have been in possession and enjoyment of the property. Now, the defacto complainant is claiming that the said property belongs to him as ancestral property. He would further submit that the grandmother of the petitioners have filed an appeal before the District Revenue Officer, Madurai and by order, dated 06.10.1987, the patta issued in favour of the 2nd respondent's grandmother viz., Ramuthaiammal was cancelled. Challenging the same, she filed an appeal before the Land Commissioner and the same was returned back to the District Revenue Officer, Madurai for fresh Consideration. By order dated, 13.08.1994, the District



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Revenue Officer set aside the order, dated 06.10.1987 and confirmed the assignment patta issued in favour of the Ramuthaiammal. Against the same, the petitioners herein have filed WP(MD).No.17839 of 2020 before this Court and the same is pending. He would further submit that the 2nd respondent / defacto complainant has filed a civil suit in O.S.No. 133 of 2018 on the file of the I Additional District Judge, Madurai, with regard to the very same property and the same was dismissed and thereafter, he has filed an appeal in A.S.No.96 of 2020 before this Court and the same is pending and prays for allowing this petition.

4. The learned Additional Public Prosecutor appearing for the first respondent would submit that there are materials to connect the accused / petitioners to proceed with the trial. At the initial stage of trial, the entire proceedings cannot be quashed on its threshold and he sought for dismissal of the quash petition.

5. Heard the learned the learned counsel appearing on either side and perused the materials available on record.



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6. On perusal of the records, it is seen that the suit initiated by the 2nd respondent for the very same property in O.S.No.133 of 2018 on the file of the I Additional District Judge, Madurai was dismissed by this Court and thereafter, he has filed an appeal suit in A.S.No.96 of 2020 before this Court and the same is pending. In such circumstances, the entire proceedings shows that it is purely civil in nature and hence, this Court is inclined to quash the entire proceedings as against the petitioners herein.

7. Accordingly, this Criminal Original Petition is allowed and the entire criminal proceedings in C.C.No.34 of 2019 on the file of the learned Special Judicial Magistrate Special Court for Exclusive Trial of Land Grabbing Cases, Madurai is hereby quashed as against the petitioners viz., A3 and A4. Consequently, the connected Miscellaneous Petitions are closed.

27.06.2024

Index: Yes/No
Internet: Yes/No
trp



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1. The Special Judicial Magistrate Special Court for Exclusive Trial and Land Grabbing Case, Madurai.
2. The Inspector of Police,
Anti Land Grabbing Wing,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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