



IN THE COURT OF XXV METROPOLITAN MAGISTRATE, EGMORE,  
CHENNAI-600 008.

Present: Thiru.M.Kalimuthuvel, B.Sc., M.A., LL.M.,  
XXV Metropolitan Magistrate.

Friday, the 14<sup>th</sup> day of August 2026.

Crl.M.P.No.7537 of 2026

in

C.C.No. 5083/2023

in

CNR.No.TNCH0F-023759-2026

A5.S.Rajkumar, M/a. 32 Years,  
S/o. Sundarrajan,  
NO.160, East Chithirai Veethi,  
Srirangam, Trichy – 620 006.

...Petitioner/5<sup>th</sup>Accused

/Vs./

State represented by  
The Inspector of Police,  
Central Crime Branch,  
Land Grabbing Special Cell -I,  
Vepery, Chennai – 600 007,  
Ref: Crime No.624/2012 dated 24.12.2012  
U/s. 420, 467, 468, 471, 506(II) & 120 B IPC

... Respondent/Complainant

This petition was filed on behalf of the Petitioner/5<sup>th</sup>Accused U/s.395 of  
Cr.P.C. on 22.07.2026 and taken up for final hearing on 05.08.2026 before me  
in the present of M/s. G.Jeyaraman, G.Muthukumar, S.Anandh counsels for the  
Petitioner/5<sup>th</sup>Accused and Assistant Public Prosecutor Counsels for the

Respondent/Complainant and on perusing the petition and records this court pronounce the following.

### **ORDER**

1. The Petitioner/5<sup>th</sup>Accused has filed the above petition under Sec.395 of Cr.P.C. to suomoto close the case since the Hon'ble Supreme Court itself as quashed the land grabbing case all over the Tamilnadu.

#### **2. Brief of the Petition Averments:-**

2(i). The case one person named Mahadevan has filed a criminal complaint and the case was registered in Cr.NO.624/2012 in the respondent police and after investigation the final report was filed before the Hon'ble Special Court for the Land Grabbing cases Metropolitan Magistrate, Allikulam and it was taken on file in C.C.No.10/2023. The single judge of Madras High Court has ordered that all the Land Grabbing cases should be transferred from Special Court Land Grabbing cases to the concerned Judicial Magistrate Court. Hence, this case was transferred to this Hon'ble Court. The Government of Tamil Nadu has issued a Government Order in G.O.No.423 Home Department on 27.07.2011 constituting a special court for the trial of Land Grabbing Cases and also established Special Cell of Police of Land Grabbing all over the Tamil Nadu. Based on the G.O. Special Court for Land Grabbing and Special Cell of Police Land Grabbing were established all over the Tamil Nadu.

**2(ii).** A hundred of writ petition were filed before the Madras High Court Challenging the G.O. No.423 and also formation of Special Court for Land Grabbing and Special Cell of Police Land Grabbing. A division bench of Madras High Court has heard the all the writ petition and delivered the judgment on 10.02.2015. The Division Bench of Madras High Court has quashed the Tamil Nadu Government G.O.(MS)No.423, Home Department dated 28.07.2011 and also quashed the formation of Special Cell Police Land Grabbing and Special Court of Land Grabbing all over the Tamil Nadu. Aggrieved by the Judgment of the Division bench of Madras High Court dated 10.02.2015 the Tamil Nadu Government has approached the Hon'ble Supreme Court of India and filed Civil Appeal No.1580, 1608/2022 and also the Criminal Appeal 275/2022. After hearing of this appeal the Hon'ble Supreme Court of India has dismissed the appeal filed by the Tamil Nadu Government and confirmed the judgment delivered by the Division bench of the Madras High Court on 04.05.2023. The Hon'ble Supreme Court of India has also confirmed and quashed all the complaint and FIR and also the formation of Special Cell of Land Grabbing and formation of Special Court of Land Grabbing all over the Tamil Nadu.

**2(iii).** The Hon'ble division bench has held in Para 44 that "it is always open to the aggrieved person either to file a private complaint or file complaint before the concerned police. The said remedy available to the person aggrieved

is independent of his right to file civil suit or initiate appropriate civil proceeding to redress his grievance. Since this Court has already held that G.O. (MS). No.423 dated 28.07.2011 passed by the respondent offends Articles 14 and 21 of the Constitution of India, deciding this question does not arise at all, merely reiterating the said legal position.” Hence, all the cases of Land Grabbing all over the Tamil Nadu Including this case is illegal and not sustainable. Hence, this case in C.C.No.5083/2023 is illegal and against the law and also against the judgment of Madras High Court and Supreme Court. Hence, the entire case is vitiated by this serious infirmity. In the meantime the Hon’ble Single Bench of Madras High Court in its Judgment in CrI.O.P.No.20889/2019 and after hearing both sides has delivered the judgment on 02.05.2019 without considering the Division Bench Judgment dated 10.02.2015 and the Single Judge of the Madras High Court has directed all the Special Court for Land Grabbing Cases to transfer the Land Grabbing Cases to the concern Magistrate Court and accordingly all the cases including this case in C.C.No.5083/2023 were transferred to this court and other court.

**2(iv).** Aggrieved by the Single Judge Judgment, the Hon’ble Madras High Court itself has filed a Criminal Appeal No.272-274/2022 SLP (CrI) No.1752/1754/2022 through the Hon’ble Registrar General of Madras High Court. The respondent police CCB, Vepery, Egmore, Chennai were cited as respondent in this case. The Hon’ble Supreme Court of India has allowed the

appeal preferred by the Registrar General of Madras High Court and set aside the order of the Single Judge of the Madras High Court directing to transfer of 864 cases all over the Tamil Nadu from Special Court Land Grabbing Cases to the concerned Magistrate Court. Hence, transfer of this case in C.C.No.5083/2023 from Special Court Land Grabbing, Allikulam to this Hon'ble Court is set aside and quashed all the 864 cases by the Hon'ble Supreme Court of India. Hence, taking on file of this case by this Hon'ble Court itself is illegal. The Hon'ble Supreme Court has held in para 7 of the judgment.

“Before parting with these appeals, we observe that the High Courts to be mindful and conscious about the consequences of passing orders such as those impugned in these appeals. Though the powers of the High Court under section 482 of the Code of Criminal Procedure are wide and are in the nature of inherent power yet, the said power cannot be exercised suo moto in a sweeping manner and beyond the contours of what is stipulated under the said section. We hope and trust that the High Courts would be more circumspect before passing such orders which are impugned and set aside in these appeals.”

### **3. Brief of the Counter Averments:-**

**3(i).** The de-facto complainant preferred a complaint and since cognizable offence is made out the respondent registered a case in Crime No.624 of 2012 for the offences under sections 420, 467, 468, 471, 506[ii] & 120[B] of Indian Penal Code and on completion of investigation respondent filed a final report in

C.C.No.5083 of 2023 for the offences under sections 420, 467, 468, 471, 506[ii] & 120[B] of Indian Penal Code and the same is pending trial where out of 40 witnesses, 27 witnesses have been examined in chief and cross. In the interregnum, the 5<sup>th</sup> accused, preferred a petition u/s. 395 Cr.P.C., seeking a reference to the Hon'ble High Court on the legality of proceeding with the trial in C.C.No.5083/2023 in view of the order passed in W.P.No.18872/2011 batch, as affirmed by the Hon'ble Supreme Court in Civil Appeal Nos.1580-1608 of 2022. The averments and contentions false, incorrect, misconceived, not maintainable in the eyes of law and contained in the affidavit filed in support of the petition filed by A5 are therefore denied. The case was registered on the basis of a complaint disclosing cognizable offences and upon completion of Court. Thereafter, the case was transferred to the CCB court and upon investigation, a final report was filed before the competent Special the petition filed by the Accused persons the case is presently pending trial before this Hon'ble Court.

**3(ii).** The investigation, filing of the final report, taking of cognizance of the case were all carried out strictly in accordance with law. The proceedings presently pending before this Hon'ble Court are valid and are liable to continue in accordance with law. The contention that the investigation, final report and all consequential proceedings have become invalid is wholly misconceived and unsupported by law. Neither the judgments relied upon by the petitioner nor any

other legal provision renders the pending prosecution invalid or bars the continuation of the trial before the competent Court. The petitioner has neither pleaded nor established any prejudice or failure of justice warranting interference by this Hon'ble Court. It is well settled that criminal proceedings cannot be stalled on mere technical objections in the absence of actual prejudice. The petitioner has suppressed the fact that the transfer of the present case to this Hon'ble Court was affected at the instance of the accused. Having participated in the proceedings before this Hon'ble Court without raising any objection, when the trial has reached its fag end, the present petition is filed to protract the trial and delay its logical conclusion.

**3(iii).** The trial in the present case is being conducted pursuant to the directions of the Hon'ble High Court for its expeditious disposal within the time stipulated by the Hon'ble High Court as during a certain period the Accused person was delaying the trial. Also, the petitioner has approached various judicial forums in connection with the present proceedings on several occasions. However, at no point of time did the petitioner raise the present contention regarding the alleged invalidity of the investigation, the final report or the jurisdiction of the trial Court. The petition filed under Section 395 Cr.P.C. is wholly misconceived and not maintainable. No question arises in the present case warranting a reference to the Hon'ble High Court under the said provision. The present proceedings are pending before a Court of competent jurisdiction

and there exists no legal impediment for continuation of the trial. The petition is devoid of merits and is liable to be dismissed. It is submitted that the present petition has been filed only to protract the proceedings and delay the conclusion of the trial going in a brisk pace by raising untenable objections. The petition deserves to be dismissed in limine.

4. Both sides not produced oral and documentary evidence in this petition.

5. Both side heard and records perused.

**6. Point for determination:-**

**6(i).** Whether the petition is allowed are not to be decided ?

**6(ii).** The Petitioner/5<sup>th</sup> Accused filed this petition u/s. 395(2) of Cr.P.C. to pass order seeking a reference for decision to be Hon'ble High Court of Madras in connection with the trial of the case in the light of the fact situation emerged resulting in quashing of constitution of special investigation team for Anti-Land Grabbing and constitution of Special Courts for trial of Land Grabbing cases exclusively in W.P.No.18872/2021 dated 10.02.2015 and in turn have been confirmed by the Hon'ble Supreme Court of India in Civil Appeal Nos.10580-10608 of 2022 dated 04.05.2023.

**6(iii).** The learned counsel for petitioner contended that, the Hon'ble High Court of Madras quashed the following G.O.Ms.No.423 Home (POL-XI) Department dated 28.07.2011 and G.O.Ms.No.451 Home (Court III) Department dated 11.08.2011 by order passed dated 10.02.2015 in



W.P.No.18872/2011. As a consequence of that order passed by the Hon'ble High Court at Madras the investigation done and performed by Anti land grabbing special cell in Cr.No.624/2012 had become unauthorized. The learned counsel further contended that the government by being aggrieved by the order by the Hon'ble High Court in W.P.No.18872/2011 dated 10.02.2015 had carried a matter to Hon'ble Supreme court of India by way of preferring special leave petition and the case was converted as Civil Appeal No.1580-1608 of 2022 and appeal allowed and the same appeal was dismissed. According to above two judgment the court as no power to conduct the case and in this circumstance, it is necessary to seek reference, whether this case is affected the above Apex court is order and to be closed without full pledged trial? to the Hon'ble High Court of Madras and prayed to allow the petition.

**6(iv).** The learned petitioner counsel supporting his arguments filed Apex court judgments, which is reported in 2023 (7 Supreme Court Cases 251), the Government of Tamil Nadu and Others Vs R.Thamaraiselvam and Others,

i). Constitution of India – Article 14 – Vague definitions and classification in creation of offence(s) and conferment of unguided power to investigate the same, that too by government order rather than legislation – Held, sufficient for invalidation of the same. Land grabbing cases – Setting aside government order dealing with such cases – When warranted – Though, by the GO in question, the Government of Tamil Nadu constituted/formed 36

Anti-Land Grabbing Special Cells to deal with the land grabbing cases, but the type of cases that could be said to be land grabbing cases, but the type of cases that could be said to be land grabbing cases found not defined nor mentioned in the said GO – No clear definition of “land grabbing”.

ii). Held, in absence of any guidelines and/or definition as to which cases can be said to be land grabbing cases, it gives unfettered and unguided and arbitrary powers to the police to treat any land case as a land grabbing case which will be investigated by the Anti-Land Grabbing Special Cell - Further, held, even a dispute between two private persons which may be under the Specific Relief Act and/or Transfer of Property Act may be considered as a land grabbing case like in the Criminal Appeal in which a civil suit was pending for specific performance which was dismissed for non-prosecution and thereafter the defendant filed a complaint/FIR for the offences under IPC.

6(v). The learned APP contended that the petition is not maintainable and in this case already charge sheet filed and commenced trial as per the Hon’ble High Court of Madras and also 27 witnesses as examined on the prosecution side and it has to be examined 7 witnesses only in this case on the prosecution side. The learned counsel further contended that the petitioner filed this petition with intention to drag on the proceeding and there is no merit in this petition and need not send reference to the Hon’ble High Court. Therefore, this petition is dismissed with exemplary cost.

**6(vi).** Both side heard and perused records. It is revealed that, originally, this case FIR was registered the Sub Inspector of Police, CCB Team IV, Egmore, Chennai, based upon the complaint given by the defacto complainant Mr.A.Mahadevan for alleged offence u/ss.420, 467, 468, 471, 506(ii) and 420(b) of IPC after that the case was investigated the respondent and completion of investigation and the charge sheet filed before the Special Judicial Magistrate (Land Grabbing case) No.II, Allikulam, Chennai -03 and after taking cognizable of the case. The Special Judicial Magistrate (Land Grabbing) Court No.I, Allikulam, Chennai-03 after that the case was transferred from CBCID Court to this court by the order of Chief Judicial Magistrate in CrI.M.P.No.68190/2024, dated 16.12.2024 and also the Hon'ble High Court of Madras directed the trial court dispose the case within 9 months in CrI.O.P.No.4670/2024 dated 28.02.2024.

**6(vii).** As per direction of Hon'ble High court this court has been conducting the trial in speedy manner and out of 40 witnesses examined 27 witnesses and marked Ex.P1 to 146 and remaining only 7 witnesses on the prosecution side. At this juncture the petitioner came up this petition stating that the G.O.(M.S.) No.423 Home (POL-XI) Department dated 28.07.2011 and G.O. MS.No.451 Home (Court) III department dated 11.08.2011 and GO are quashed and abolished the constitution of land grabbing special cell and land grabbing court and also the cases filed Land Grabbing Special Cell were quashed. In this

circumstance, the Petitioner/5<sup>th</sup>Accused filed this petition contended that whether the court has power to conduct the case in respect of the land grabbing offences and it is not decided by the Hon'ble High Court of Madras and Supreme Court of India. Therefore, this petitioner filed this petition to suomoto close the case as per Apex Court judgment in this case.

**6(viii).** The Petitioner/5<sup>th</sup>Accused did not produced document or order copy specially this case Crime number (624/2012) was quashed by the division bench of the Hon'ble High Court of Madras. It is an undisputed fact that G.O.Ms.No.423 dated 28.07.2011 was struck down on constitutional grounds (Articles 14 and 21). However, a careful reading of the judgment of the Division Bench of the Hon'ble High Court of Madras (Land Grabbing Cases Bench) as well as the judgment of the Hon'ble Supreme Court reveals that the quashing of the Executive Order only declared the Special Courts and Special Executive Cells unconstitutional.

**6(ix).** The Apex Court explicitly held in Para 44 that:

“It is always open to the aggrieved person either to file a private complaint or file a complaint before the concerned police. The said remedy available to the person aggrieved is independent..”

In the instant case, the investigation was conducted by the Central Crime Branch (CCB), Vepery, Chennai. CCB is an integral, statutory investigation

agency under the regular police department empowered to investigate offences under Chapter XVII and XVIII of the Indian Penal Code.

**6(x).** Once the Special Courts ceased to exist, the case files were placed before the regular Magistrate Court possessing territorial and subject-matter jurisdiction under section 190(1) (b) of Cr.P.C. Taking cognizance of IPC offences on a final report filed by a regular police agency is perfectly valid. The procedural transfer does not erase the substantive offences committed under IPC Sections 420, 467, 468, 471, 506(ii) and 420(b) of IPC. Hence, this petition filed by the Petitioner/5<sup>th</sup> Accused is legally devoid of merit.

**6(xi).** On perusal of above Apex court judgment, it is revealed that, there is no bar to proceed the case, upon the individually present complaint in jurisdiction court. Considering the facts and circumstance, the petitioner stated reasons are not acceptable and satisfiable to allow the petition.

**6(xii).** For better appreciation the relevant provision of law is extracted hereunder section 395 in the code of criminal procedure, 1973,

***395. Reference to High Court.***

***1) Where any court is satisfied that a case pending before it involves a question as to the validity of any act, ordinance or regulation or of any provision contained in an act, ordinance or regulation, the determination of which is necessary for the disposal of the case, and is of opinion that such act, ordinance, regulation or provision is invalid or inoperative, but has not been so declared by the High Court to which that court is subordinate or by the Supreme Court, the Court shall state a***

*case setting out its opinion and the reasons therefor, and refer the same for the decision of the High Court. Explanation – In this section " Regulation" means any Regulation as defined in the General Clauses Act, 1897 ( 10 of 1897), or in the General Clauses Act of a State.*

*2) A Court of Session or a Metropolitan Magistrate may, if it or he thinks fit in any case pending before it or him to which the provisions of subsection (1) do not apply refer for the decision of the High Court any question of law arising in the hearing of such case.*

*3) Any court making a reference to the High Court under subsection (1) or subsection (2) may pending the decision of the High Court thereon either commit the accused to jail or release him on bail to appear when called upon.*

From the said provision, it is clear that the 5<sup>th</sup> accused cannot invoke the said provision and it is only the concerned court can invoke the power under this provision.

6(xiii). In this regard, I relied the decision of Hon'ble High Court of Madras in A.Syed Ibrahim @ Bhai vs State Rep. By The Superintendent of Police, HOB/CBI/ACB/Madurai and 2 others, decided on 21 February, 2022, it has been held that,

*10.The accused cannot invoke [Section 395 Cr.P.C.](#), and it is only the concerned Court can invoke the power under [Section 395 Cr.P.C.](#) Thus, the accused persons without any merit, filed the petition in Crl.M.P.No.15471 of 2021 in S.C.No.34 of 2020 and the same was rightly dismissed by the trial Court, by order, dated 24.09.2021, which is well reasoned and detailed one and the same is hereby confirmed. Accordingly, this Criminal Revision Case stands dismissed. The Hon'ble Apex Court as on date not questioned the formation, function and*

***power of the Central Bureau of Investigation to investigate the cases.***

6(xiv). From the above discussion, this court is inclined to dismiss the above petition filed by the Petitioner/5<sup>th</sup>Accused cannot be invoked the said provision in view of the decision in **A.Syed Ibrahim @ Bhai vs State Rep. By The Superintendent of Police, HOB/CBI/ACB/Madurai and 2 others, as stated supra.**

**7. In the result, the petition is dismissed.**

This order was dictated by me to the Steno-typist and directly typed by her in computer, then corrected and pronounced by me in the Open Court, this the 14<sup>th</sup> day of August 2026.

**XXV Metropolitan Magistrate,  
Egmore, Chennai -8.**

**Appendix:**

- 1. Petitioner/5<sup>th</sup>Accused Side Witness - NIL**
- 2. Petitioner/5<sup>th</sup>Accused Side Exhibits - NIL**
- 3. Petitioner/5<sup>th</sup>Accused Side Material Objects - NIL**
- 4. Respondent/Complainant Side Witness - NIL**
- 5. Respondent/Complainant Side Exhibits - NIL**
- 6. Respondent/Complainant Side Material Objects – NIL**

**XXV Metropolitan Magistrate,  
Egmore, Chennai -8.**