

IN THE COURT OF JUDICIAL MAGISTRATE NO.1 AT PERAMBALUR

Present: Mrs. P. Subbulakshmi, B.A.,LL.M.
Judicial Magistrate No.1
Perambalur

Tuesday, 31st day of October 2023

CMP No. 6307 of 2023
(Original CMP No. 5332 of 2019)

In

CC No. 255 of 2023
(Original CC No. 234/2019)

1.Sakthivel

S/o. Muthu @ Muthursamy

2Kumaravel

S/o. Muthu @ Muthursamy

3.Pushpam

W/o. Gunasekaran

4. Padmavathy

W/o. Balasubramaniam

5. Ramar

S/o. Perumal.

... Petitioners

Vs.

State

Rep. By.

Inspector of Police,

Anti Land Grabbing Special Cell

Perambalur.

... Respondent

ORDER

1. The Petitioners/ Accused filed this petition u/s.239 of Cr.PC to discharge the
Petitioners from this case as under:

a) That the complainant police has not properly investigated the matter and

without conducting any enquiry from the petitioners and pursue the records charged against the petitioners. The defacto complainant has no locus standi to lodge this complaint. The defacto complainant converts the civil dispute into criminal complaint to threaten the petitioners. The respondent police also colluded with the defacto complainant and laid charge sheet without any basis. The District Revenue Officer passed an Order after considering the all objections raised by the defacto complainant. The District Revenue Officer after verifying the genuineness of the Death Certificate passed the Order. The investigation Officer wantonly suppressed the material particulars in the final report and there is no prima facie evidence to implicate the petitioners in the alleged crime and therefore, these accused are liable to be discharged from this case.

2. Though sufficient opportunity is given, the prosecution filed counter and vehemently opposed to allow this petition stating that this petition is not maintainable either in law or on facts. Further, the petitioners suppressed many material value in their discharge petition. Because, before filing this petitions, the petitioners moved Hon'ble High Court in CrI.Op. No. 10127/2019 and CrI. MP NO. 1 of 2014 u/s. 482 of Cr.PC to quash the proceedings and the same was dismissed on 14/11/2018 and therefore, the petitioner filed this petition to discharge this case and therefore, this petition is liable to be

dismissed.

3. Heard Both Sides. Perused Records.

4. From the above and on perusal of records, first of all, it is seen that this petition has been filed before this court on 18/09/2019 as CMP No.5332/2019. When the petition was pending for inquiry, this entire case was transferred to Special Judicial Magistrate Court, Perambalur established for conducting trial of Land Grabbing Case. Since, that court was abolished by Apex Court, this matter again re- transferred to this court and number is re – assigned for this petition as CMP No. 6300/2023 on 22/08/2023.

5. Further, on perusal of entire record, it is seen that the entire allegation is against the accused No. 1 to 5 that the accused No. 1 to 4 falsely made these documents with help of accused No. 5, who was allegedly colluded to accused No. 1 to 4 for impersonating and executing this documents. Further, how the petitioners involved in the documents is not all explained and it can not be decided at this stage. Hence, this court inclines to dismiss the petition as it is the devoid of merits.

In the result, this petition is dismissed.

Directly typed by me in my computer and after taking print out and after carrying out corrections wherever necessary and pronounced by me in the open court on 31st day of October 2023

Sd/-
Judicial Magistrate No.1
Perambalur