

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.12.2015

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.781 of 2015

&

M.P.No.1 of 2015

V.Ganesan

.. Petitioner/Defacto
Complainant No.1

vs.

The Inspector of Police
District Crime Branch
Kanchipuram

.. Respondent/Respondent

Criminal Revision filed under sections 397 and 401 Cr.P.C. to set aside the order in Cr.M.P.No.2225 of 2014 in Crime No.3 of 2011 dated 10.12.2014 of the Hon'ble Judicial Magistrate, Sriperumpudur and direct the respondent to register the case under Sections 428, 465, 468, 420, 506(i) IPC against the accused in Crime No.3 of 2011.

For Petitioner : Mr.T.Ramachandran

For Respondent : Mr.C.Iyyapparaj
Government Advocate (Crl.side)

O R D E R

This revision challenges the order passed by the learned Judicial Magistrate, Sriperumpudur in Crl.M.P.No.2225 of 2014 on 10.12.2014.

2. On the complaint of the petitioner, a case in Crime No.3 of 2011 was registered by the respondent for offences under Sections 465, 468, 471 and 420 IPC. On completion of investigation, a Referred Charge Sheet was filed. On receipt of notice from Court, the petitioner moved a protest petition. The same was dismissed under Orders dated 10.12.2013. There against, the present petition has been filed.

3. Learned counsel for the petitioner submits that the accused entered into property, proceeded with construction thereon despite there being an order of injunction.

4. Heard learned Government Advocate (Crl.side) on the above submissions.

5. In dismissing the protest petition, the Court below has taken note of the position that the person presently accused was a subsequent purchaser. The petitioner and his brothers jointly held property. Two persons/promoters, who had purchased a brother's share, had effected sale also of property, which was held by this petitioner. Subsequent thereto, the original purchaser had effected sale to the person against whom the complaint presently seeks action. In accepting the final report, the Court below has reasoned that the original alleged wrongdoers are no more, that the person against whom action is sought is a subsequent purchaser, that there are several litigations pending and that the matter essentially was civil in nature. The remedy of the petitioner, if any, lies under Order 39 Rule 2A CPC. We find no error in the order under challenge.

The criminal revision petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gpa
To

1. The Judicial Magistrate
Sriperumpudur.
2. -do- Thro The Chhief Judicial Magistrate,
Kancheepuram.
3. The Inspector of Police,
District Crime Branch Kancheepuram.
4. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.T. Ramachandran, Advocate Sr.68389

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MG (CO)
EU 28.1.16