

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16-10-2015

Coram

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.25522 of 2015

N. Kannan

.. Petitioner

Vs.

1. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery,
Chennai - 600 007.
 2. The Inspector of Police,
Team-I, EDF-I Wing,
Central Crime Branch,
Vepery,
Chennai - 600 007.
- .. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. with a prayer to direct the second respondent to include the name of the petitioner and other complainants as the complainant/informant in FIR in Crime No.490 of 2014 registered on the file of the second respondent by taking into consideration of the petitioner's complaint dated 9.10.2014 and 21.9.2015.

For Petitioner : Mr.V.Lakshminarayanan for
Mr.B.Vijay

For Respondents : Mr.C. Emalias,
Additional Public Prosecutor
for Mr.S.R.Rajagopal

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O R D E R

On a complaint lodged by Syed Mubeenuddin, the respondent Police registered a case in Crime No.490 of 2014 on 18.12.2014 for the offences under Sections 406, 420, 294(b), 506(i) read with 120(B) of I.P.C., against 17 accused.

2. It is the case of the prosecution that the land in question belongs to A-7 to A-10, and that, they have appointed A-11 and A-12 as their power agents. It is the further case of the prosecution that A-7 to A-10 had appointed one M.M.S.Shoppe, run by A-1 to A-6, as their agent for selling the lands, and it appears that the M.M.S.Shoppe have received

huge amounts of money from the prospective purchasers and have duped them.

3. This petition has been filed by one of the victims, who is similarly placed with Syed Mubeenuddin. The direction as sought for by the petitioner cannot be granted in view of the fact that there cannot be a second FIR for the same cause of action, even though petitioner's complaint was earlier at point of time. However, the petitioner can be included as one of the victims and his complaint can be treated as a statement under Section 161 of Cr.P.C.

4. A-7 to A-12 filed CrI.O.P.No.24554 of 2015 for quashing the FIR in Cr.No.490 of 2014 as against them on the ground that they have amicably settled the issue with all the prospective purchasers, including the petitioner herein. Therefore, this Court allowed the said petition by quashing the FIR in Cr.No.290 of 2014 as against A7- to A-12. However, the police shall proceed with the investigation as against A-1 to A-6 and A-13 to A-17, since there is prima facie material to show that the owners of the land viz., A-7 to A-10 themselves were cheated by A-1 to A-6.

5. With the above directions, this petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

vr

To

1. The Commissioner of Police, Office of the Commissioner of Police,
Vepery, Chennai - 600 007.

2. The Inspector of Police, Team-I, EDF-I Wing,
Central Crime Branch, Vepery, Chennai - 600 007.

3. The Public Prosecutor, High Court, Madras.

+1 cc to Mr.B.Vijay, Advocate, sr.57460

CrI.O.P.No.25522 of 2015

msm co
kra 06/11/2015