



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2015

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.O.P.(MD)No.20860 of 2014 and M.P.(MD)No.1 of 2014

WEB COPY

R.Vijayarani

... Petitioner/Petitioner/Defacto Complainant

Vs.

1.The Inspector of Police
District Crime Branch,
Tiruchirapalli
Cr.No.3/2008

...1st Respondent/Complainant

2.Murugesan
3.Rajavel
4.Cheliyan

... Respondents 2 to 4/Accused 2 to 4

Criminal Original Petition filed under section 397 and 407 of Criminal Procedure Code, against the order dated 11.09.2014 made in Crl.M.P.No.5224 of 2014 in C.C.No.124 of 2010 on the file of the learned Judicial Magistrate No.III, Tiruchirapalli.

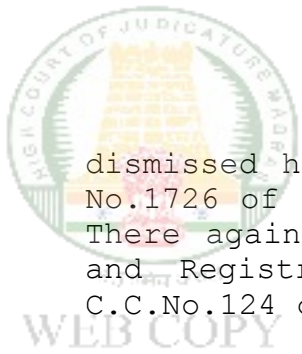
For Petitioner	:	Mr.S.Sethuraman
For Respondent-1	:	Mr.K.V.Rajarajan
		Govt.Advocate (Crl.Side)
For Respondent-4	:	Mr.R.Sundar
For Respondents	:	No Appearance
(R2 and R3)		

ORDER

This Criminal Original Petition is filed challenging the order of learned Judicial Magistrate No.III, Tiruchirapalli, dated 11.09.2014 made in Crl.M.P.No.5224 of 2014 in C.C.No.124 of 2010.

2. By way of Crl.M.P.No.5224 of 2014, the petitioner / defacto complainant sought direction for production of various documents and particulars available with the Government Authorities. On hearing, learned counsel appearing for petitioner would submit that the purpose behind such petition is to establish that original owners of the property have effected sale thereof through power of attorney in favour of petitioner, despite such property earlier having been acquired under the Land Acquisition Act, for formation of a National Highway. It is the further submission of learned counsel that while the power of attorney / agents have been arrayed as accused, the original owner has not.

3. Learned counsel for 4th respondent would strongly object issue of any direction since there was a direction of this court in Crl.O.P.(MD) No.13423 of 2013, dated 30.08.2013 for disposal of the case within six months from the date of receipt of such order. Learned counsel for 4th respondent would submit that such respondent was an employee of Southern Railway, wherein the husband of the defacto complainant / present petitioner was the Managing Director. Owing to the registration of the present case, against 4th respondent, the husband of the petitioner had



dismissed him from service. He has moved a Writ Petition in W.P.(MD) No.1726 of 2009 and the same was dismissed by an order dated 16.09.2010. There against, he moved W.A(MD)No.607 of 2012. The same was admitted and Registry was directed to list the matter after completion of C.C.No.124 of 2010.

4. On consideration of rival submissions, this Court in the circumstances of the case and even though the prayer of the petitioner is one for production of documents, consider it is appropriate to now direct further investigation, in exercise of inherent power under Section 482 of Cr.P.C.. Accordingly, there shall be a direction to the jurisdictional Deputy Superintendent of Police, to conduct a further investigation in the case, which need not be restricted to the issue raised by petitioner. Such further investigation shall be completed within a period of two months from the date of receipt of a copy of this order.

5. The proceedings in C.C.No.124 of 2010 on the file of the learned Judicial Magistrate No.III, Tiruchirapalli, stands stayed, pending receipt of further investigation report.

6. Upon receipt thereof, the case shall be proceeded with and the Court below, keeping in mind the earlier direction of early disposal, shall hear the case on day-to-day basis and dispose of the case within a period of two months thereof.

7. In the result, the Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Judicial Magistrate No.III, Tiruchirapalli.
- 2.The Jurisdictional Deputy Superintendent of Police,Trichy.
- 3.The Inspector of Police
District Crime Branch,
Tiruchirapalli.
- 4.The Addl.Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Sundar,Advocate, SR.No.4367

+1cc to Mr.S.Sethuraman, Advocate, SR.No.4172

Crl.O.P. (MD)No.20860 of 2014
30.01.2015

MPK

PA/03.02.15/2P/7C (IT)