

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.23408 of 2016
and
CrI.MP No.10945 of 2016

1. Mohamed Salahuddin
2. Halima Nachiyur
3. Mohamed Idiris
4. Rahamathullah
5. Julaiha Maharifa ... Petitioners

Vs.

1. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Anti Land Grabbing Special Cell,
Nagai District.
2. Haji Mohamed Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the records of the respondent No.1. in C.No.152/16/ALGSC/NGT/2016 dated 31.08.2016, on the file of the office of the Deputy Superintendent of Police, Anti Land Grabbing Special Cell, Nagai District and quash the same.

For Petitioners : Mr.S.Senthilnathan

For R1 : Mr.C. Emalias
Additional Public Prosecutor

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O R D E R

This criminal original petition has been filed to call for the records in C.No.152/16/ALGSC/NGT/2016 dated 31.08.2016, on the file of the office of the Deputy Superintendent of Police, Anti Land Grabbing Special Cell, Nagai District and quash the same.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the 1st respondent.

3. On the complaint given by one Haji Mohammed the second respondent herein, the first respondent police has conducted only preliminary enquiry. They have issued summons to the petitioners to appear for the preliminary enquiry. In this case, a regular FIR has not been registered and therefore, this Court cannot interfere to quash the complaint.

4. Hence, this petition is dismissed. However, during the course of enquiry, if any cognizable offence is made out, a regular case shall be registered, in accordance with the law laid down by the Apex Court in Lalita Kumari vs. Govt. of U.P. & others [(2014) 4 SCC 1]. The petitioners are directed to co-operate with the respondent police in the enquiry. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Anti Land Grabbing Special Cell,
Nagai District.

2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.23408 of 2016

SSK(CO)
CA(21/11/2016)

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