

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.4287 of 2016

K.Shankar Narayanan

.. Petitioner

Vs.

State rep. By

Inspector of Police,

Central Crime Branch-II,

(Prevention of Land Grabbing Unit II)

Vepery, Chennai - 600 007.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent police to register and investigate his complaint dated 05.06.2014 for the offences punishable under Sections 420, 468 and 471 of IPC for land grabbing.

For Petitioner : Mr.S.Ilamparithi

For Respondent : Mr.C.Emalias
Addl. Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking for a direction to the second respondent to register a case pertaining to the petitioner's complaint dated 05.06.2014.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondent on 05.06.2014. But the respondent has not shown any interest to enquire the matter and register the case. Hence, the petitioner has come forward with this petition for the above stated relief.

3.At this juncture, the learned Additional Public Prosecutor, would submit that enquiry has been conducted and to verify whether there is any fabrication has been made, the admitted signature of the brother of the petitioner is necessary but he has not furnished the admitted signature. He further submitted that the petitioner has already filed a complaint before the Avadi Crime Branch, wherein compromise has been arrived at and out of Rs.80 lakhs, Rs.15 lakhs has been repaid and the counter petitioner has undertook to repay the remaining Rs.65 lakhs in a short spell of time. But since he has not

repaid the amount, the present complaint has been given. However, the petitioner has not co-operated for enquiry and his brother has not furnished his admitted signature. Hence, it was closed on 20.02.2016. Therefore, he prayed for dismissal of the petition.

4.Considered the rival submissions carefully and perused the typed set of papers.

5.On the basis of the complaint given by the petitioner, C.No.314 of 2014 has been assigned. But it is also admitted fact that the petitioner has already given a complaint before the Avadi Crime Branch wherein both parties were called and compromise has been arrived at and out of Rs.80 lakhs, Rs.15 lakhs has been paid and the remaining Rs.65 lakhs is yet to be paid. The counter petitioner undertook to repay that amount within a stipulated time. Since, he has not repaid the same, the present complaint has been given. During the investigation, it was came to know that to verify whether there is any fabrication has been committed, the admitted signature of the brother of the petitioner is necessary but they have not furnished the same. Further, the petitioner has not co-operated for enquiry. Hence, the complaint has been closed on 20.02.2016.

6.Considering the above, I am of the view that it is a fit case to re-open the case. Therefore, the respondent is directed to expedite the enquiry and follow the dictum laid down in Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC) and register a case, if any cognizable offence is made out. The petitioner is directed to co-operate for enquiry and he is also directed to furnish the admitted signature of his brother to the respondent police for comparison whether there is any forgery has been committed.

7.The Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

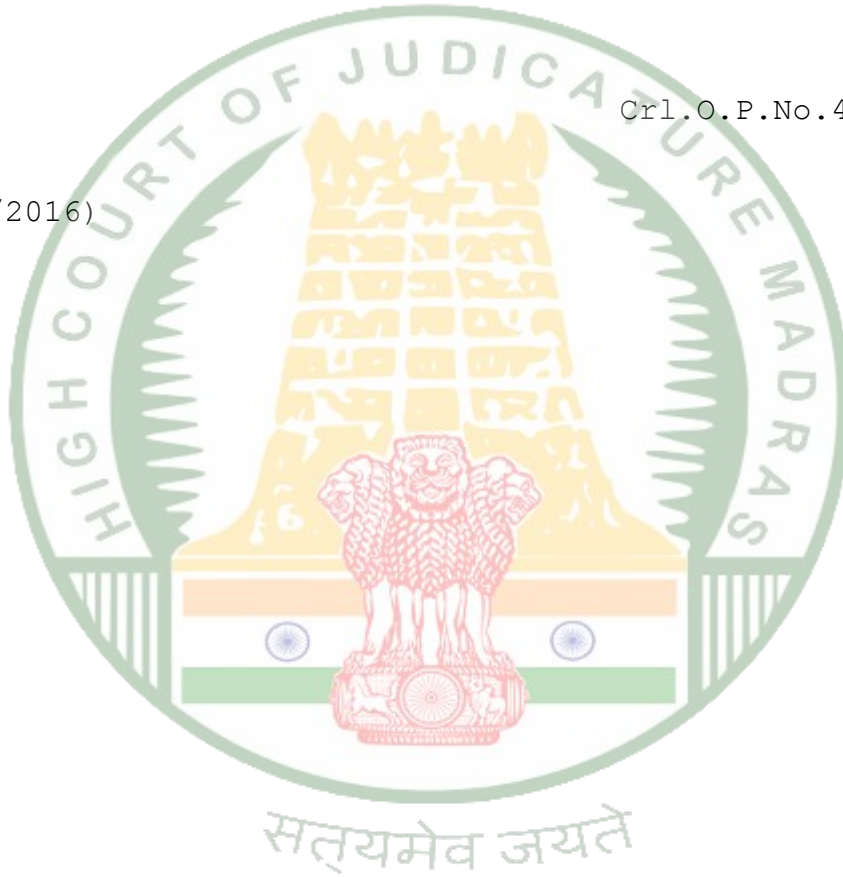
1. Inspector of Police,
Central Crime Branch-II,
(Prevention of Land Grabbing Unit II)
Vepery, Chennai - 600 007.

2. The Public Prosecutor
High Court, Chennai.

1cc to Mr.S.Ilamparithi, Advocate, S.R.No.12210

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ug(CO)
srg(02/03/2016)



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