

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2016

Coram:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.9415 of 2016

M.Venkataramakrishnan

... Petitioner

Vs.

Inspector of Police,
Cuddalore Mudu Nagar,
Cuddalore,
Cuddalore District.

...Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the respondent Police to register a case on the basis of the complaint dated 27.08.2015.

For Petitioner : Mr.S.Mohanasundararajan
For Respondent : Mr.C. Emalias
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondent Police to register a case on the basis of the complaint dated 27.08.2015.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. It is seen that the Joint Registrar No.2, Cuddalore, has issued a direction to the Inspector of Police, Cuddalore, Mudunagar, dated 27.08.2015 for taking action against the person, who had executed false documents viz., document Nos.2284/99 and 2937 /99.

4. The learned Additional Public Prosecutor submitted that the respondent police have conducted enquiry and found that the Punja lands were allotted to certain allottees in the year

1962 and since they did not cultivate the land, the Government recalled the same.

5. Be that as it may, when a direction is issued by an authority to conduct investigation, it is the duty of the respondent police to register an FIR and proceed with the investigation. Thereafter, it is open to the respondent police to file closure report and if there are no materials for filing the final report, he shall give an opportunity to the defacto complainant to file protest application in accordance with law.

6. Under such circumstances, the respondent police is directed to register the FIR based on the communication of the Joint Sub Registrar. Though the petitioner has included only the Inspector of Police, Cuddalore Mudhu Nagar Police, this direction is issued to the Sub Inspector of Police, Land Grabbing Cell, Cuddalore, who previously conducted enquiry in this case to register regular FIR based on the communication dated 27.08.2015 issued by the Joint Sub Registrar No.II, Cuddalore and take action in accordance with law. It is open to the respondent, thereafter to close the FIR, if it is found that no offence has been committed.

In view of the above, the criminal original petition is closed.
sms

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
Cuddalore Mudu Nagar,
Cuddalore, Cuddalore District.

2.The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.S.Mohanasundararajan, Advocate Sr 30294

KR/05/07/16

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