



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2016

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. (MD)No.2276 of 2016

S.Varadharaj Boopathy

.. Petitioner/
de-facto complainant

Vs

The State rep. by
the Inspector of Police,
District Crime Branch/
Anti Land Grabbing Section(Cell)
Kanyakumari
in Crime No.10 of 2015

.. Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent to secure the accused and file the final report in Cr.No.10 of 2015 dated 26.01.2015 on the file of the respondent police.

For Petitioners : Mr.P.Krishnasamy
For Respondent : Mrs.S.Prabha
Government Advocate (Crl. side)

O R D E R

This petition has been filed for a direction to the respondent to secure the accused and file the final report in Cr.No.10 of 2015 dated 26.01.2015 on the file of the respondent police.

2. Today, when the matter was taken up for hearing, the respondent filed a status report and in Paragraph Nos.2 to 7, it has been stated as follows:

"2. I submit that one Varatharaja Boopathy, the de-facto complainant and the petitioner herein has lodged a complaint against one Swarnapandian and his son Prabhuthanga Marthandan, before Superintendent of Police, Kanyakumari District and same was forwarded to District Anti-land Grabbing Special Cell, Nagercoil.

3. I submit that since regarding the title, civil suits are pending before the Civil Courts at Nagercoil. Since there is civil dispute between the de-facto Complainant and the Accused regarding the same property, the petition was closed.

4. Subsequently the de-facto complainant obtained a direction from this Honourable Special Judicial Magistrate, Land Grabbing Cases (Special Court), Tirunelveli in Crl.M.P. (MD) No. 923/2014 dated 07.01.2014. Hence FIR has been registered in Crime No. 10/2015 dated 26.01.2015.

5. I have enquired the de-facto complainant as witness and obtained statement.

6. I submit that we have received statements and collected the relevant documents from the Registration and



revenue departments. Also there are suits pending before the Civil Courts at Nagercoil we are taking steps to get the necessary papers from the courts for proper investigation of the case. Since the documents in the courts are vital to this case, without obtaining the documents from the courts, we are not able to file final report in this case. Hence the Investigation is pending.

7. I submit that we are taking all necessary steps and are properly investigating the case. Also all the accused are absconding. Hence we shall file the final report after getting the necessary documents from the civil Courts."

3. It is the grievance of the petitioner that he has not been examined by the police.

4. Taking into consideration the grievance ventilated by the petitioner, this Court directs the respondent police to enquire the de-facto complainant and proceed in accordance with law and file a closure report or final report, as the case may be, within a period of six months from the date of receipt of a copy of this order.

With the above direction, this petition is disposed of.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To
The Inspector of Police,
District Crime Branch/
Anti Land Grabbing Section(Cell)
Kanyakumari.

+1cc to Mr.P.Krishnasamy, Advocate in SR.No.12620

sm:SKS-RR:21.3.2016:2P/3c

Cr1.O.P. (MD) No. 2276 of 2016
03.03.2016