

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.Nos.3054 and 3117 of 2013
and
M.P.Nos.1 and 1 of 2013

Crl.O.P.No.3054 of 2013:

1.K.Alagar
2.Dhanabakiyam ... Petitioners/Accused 1 & 2

Vs

1.The Inspector of Police,
City Crime Branch,
Office of the Commissioner of Police,
Chennai. ...1st Respondent/Complainant

2.V.S.Vasan ... 2nd Respondents/Defacto-
Complainant

Crl.O.P.No.3117 of 2013:

1.K.Alagar
2.A.Muthukumar ... Petitioners/Accused 1 & 2.

Vs

1.The Inspector of Police (Crimes),
R-7, K.K.Nagar,
Chennai. ...1st Respondent/Complainant

2.V.S.Vasan ...2nd Respondent/Defacto
Complainant

Crl.O.P.No.3054 of 2013 filed under Section 482 of the Criminal Procedure Code, to call for the records in Crime No.236 of 2012 dated 24.04.2012 on the file of the Inspector of Police, Central Crime Branch, Team No.17, Egmore, Chennai-600 008 and quash the same.

Crl.O.P.No.3117 of 2013 filed under Section 482 of the Criminal Procedure Code, to call for the records in FIR No.886

of 2012 dated 07.06.2012 on the file of the first respondent for offences under Sections 420, 448, 409 and 506(i) IPC and quash the same.

For Petitioners in : Mr.G.Arul Prasad
both Crl.O.Ps.

For Respondents : Mr.C.Emalias,
in both Crl.O.Ps. Additional Public Prosecutor for R1

Mr.R.S.Raveendhren for R2

COMMON ORDER

Crl.O.P.No.3054 of 2013 has been filed to call for the records in Crime No.236 of 2012 on the file of the first respondent therein and quash the same. Crl.O.P.No.3117 of 2013 has been filed to call for the records pertaining to Crime No.886 of 2012 on the file of the first respondent therein and quash the same.

2.In respect of Crl.O.P.No.3054 of 2013, the case relates to offences under Sections 406, 420 and 423 IPC. It is seen from the records that the de facto complainant is said to have entered into an agreement for sale on 01.04.1996 and pursuant to the same, the de facto complainant ought to have given possession. But, he did not do so. Hence, the said possession was forcibly taken in the year 2008 from the de facto complainant. The de facto complainant gave a complaint on 24.04.2012 after a lapse of 6 years of the alleged sale agreement and after a lapse of four years of eviction. When the possession of the property was forcibly taken over from the de facto complainant, he should have lodged a complaint immediately after the said incident. With regard to this point, it was represented by the second respondent that the said sale agreement dated 01.04.1996 was misplaced by the de facto complainant. But, since the basic document itself is not available, this Court granted interim stay on 13.02.2013.

3.Today, when these Criminal Original Petitions have been taken up, the learned Additional Public Prosecutor stated that in respect of Crl.O.P.No.3054 of 2013, there are triable issues. Further, he submitted that a direction may be issued to the respondent police to file charge sheet before the concerned Court within a stipulated time, in both these Criminal Original Petitions.

4.Since there are triable issues in respect of Crl.O.P.No.3054 of 2013, the interim stay granted in M.P.No.1 of

2013 is vacated and the said miscellaneous petition is closed. Further a direction is issued to the respondent police to complete the investigation and file charge sheet in both these matters, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, the Criminal Original Petitions are disposed of. Consequently, M.P.No.1&1 of 2013 in CrI.O.P.No.3117 & 3054 of 2013 as closed.

sd/
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KM

To

1. The Inspector of Police,
City Crime Branch,
Office of the Commissioner of Police,
Chennai.
2. The Inspector of Police (Crimes),
R-7, K.K.Nagar,
Chennai.
3. The Public Prosecutor,
Madras High Court,
Chennai-600 104.

+2cc to Mr.R.S.Raveendhren, Advocate, SR.No.1454 and 1455.

सत्यमेव जयते

CrI.O.P.Nos.3054 and
3117 of 2013
and

M.P.Nos.1 and 1 of 2013

SCD(CO)
GN(27/01/2017)

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