

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
Crl.O.P.No.28637 of 2018

K.Chinnasamy .. Petitioner/Complainant

vs.

1.M.S.Sabapathy
2.Muruganantham
3.N.Annadurai
4.K.Kanagaraj
..Respondents/Accused

5.State rep.by
The Inspector of Police,
Land Grabbing prohibition Special Cell,
Erode District Crime Branch,
Erode.
(Crime No: 27 of 2015) ..5th Respondent

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, praying to direct the learned Special Judicial Magistrate, (Land Grabbing Cases) Erode, In-charge (Fast Track Magistrate No.I, Erode) to take the Crl.M.P.No.3 of 2018 on file and dispose the same.

For Petitioner : M/s.M.Guruprasad

For R5 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This petition has been filed to direct the learned Special Judicial Magistrate, (Land Grabbing Cases) Erode, to take up for hearing the protest petition filed by the petitioner.

2.It is seen from the records that the petitioner is the Defacto Complainant. Based on the complaint given by the petitioner, an FIR came to be registered in Crime No.27 of 2015, for an alleged offence under Sections 120(b), 465, 468, 471, 420 and 506(i) of IPC. After the completion of enquiry, a closure report was filed before the learned Special Judicial Magistrate (Land Grabbing Cases), Erode. The petitioner as the Defacto Complainant, filed a protest petition and the same was numbered as Crl.MP.No.3 of 2018.

3.The concerned Court was not in a position to take up the petition for hearing in view of the pending proceedings before the Hon'ble Supreme Court and on that ground the petition was also returned. Aggrieved by the same, the petitioner has approached this Court.

4.The learned counsel for the petitioner would submit that the learned Jurisdictional Magistrate Court is the District Munsif-cum-Judicial Magistrate, Perundurai and the entire records may be transferred to the said Court in order to enable the petitioner to work out his remedy in the protest petition filed by the petitioner.

5.This Criminal Original Petition is disposed of with a direction to the Fast Court Magistrate No.1, Erode, to hand over the entire case records in Crime No.27 of 2015, to the file of the District Munsif-cum-Judicial Magistrate, Perundurai. This exercise shall be done within a period of three weeks from the date of receipt of a copy of this order. After the entire case records are received by the District Munsif-cum-Judicial Magistrate, Perundurai, the learned Magistrate is directed to proceed further in the matter and decide the protest petition within a period of one month thereafter.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

stm
To

- 1.The Special Judicial Magistrate,
(Land Grabbing Cases) Erode, In-charge
(Fast Track Magistrate No.I, Erode).
- 2.The District Munsif cum Judicial Magistrate,
Perundurai.
- 3.DO THRO Judicial Magistrate,Erode.
- 4.The Inspector of Police,
Land Grabbing prohibition Special Cell,
Erode District Crime Branch, Erode.
- 5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M/s.M.Guruprasad , Advocate SR.No. 84531
(07/01/2019)

CrI.O.P.No.28637 of 2018

ASK(26/12/2018)