

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.22520 of 2019

T.S.Uma

... Petitioner

Vs.

1. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.

2. The Inspector of Police,
Central Crime Branch - II, Team 26,
Land Grabbing Special Cell - II,
Vepery, Chennai - 600 007.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set-aside the proceedings of the 2nd respondent dated 06.01.2017 and to reopen the case and pass further or other orders.

For Petitioner : Mr.Babu Muthu Meeran

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

O R D E R

This petition has been filed challenging the closure report filed by the respondent police, dated 06.01.2017.

2.The petitioner gave a complaint to the respondent police by specifically alleging that two documents have been forged and an attempt has been made by the accused persons to grab the property belonging to the petitioner. The respondent police even without registering an FIR has proceeded to conduct a full fledged enquiry and based on a legal opinion received from the Legal Advisor belonging to the Central Crime Branch, the complaint itself has been closed.

3.Heard, the learned counsel for petitioner and the learned Additional Public Prosecutor appearing on behalf of the

respondent police.

4.A reading of the complaint shows that a cognizable offence has been made out. Therefore, the respondent police ought not to have conducted the investigation without registering an FIR. The procedure adopted by the respondent police is totally opposed to the judgment of the Hon'ble Supreme Court of India in Lalitha Kumari Vs. Government of Uttar Pradesh reported in 2013 (6) CTC 353.

5.Yet another apparent illegality that I found in the closure report is that, it is completely based on the legal opinion received by the respondent police. A legal opinion can only assist the respondent police to come to a conclusion with regard to the investigation conducted by them and the same cannot be the sole basis to file a closure report.

6.Looking at the case from any angle, the procedure adopted by the respondent police is patently illegal and opposed to the guidelines given by the Hon'ble Supreme Court in Lalitha Kumari Vs. Government of Uttar Pradesh, referred supra.

7.In view of the above, the closure report dated 06.01.2017 is hereby set-aside. The respondent police viz., the 2nd respondent is directed to register an FIR based on the complaint given by the petitioner and thereafter proceed further with the investigation in accordance with law. The investigation shall be handed over to some other team by the Deputy Commissioner, CCB, in order to ensure that there is neutrality in investigation.

8.This Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery,
Chennai - 600 007.
2. The Inspector of Police,
Central Crime Branch - II, Team 26,
Land Grabbing Special Cell - II,
Vepery, Chennai - 600 007.

3. The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.M.Babu Muthu Meeran, Advocate, S.R.No.71283

Cr1.O.P.No. 22520 of 2019

VD(CO)

RRS (27/08/2019)



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