

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.03.2019
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.18643 of 2017

P.Kantharaj ...Petitioner/ Defacto Complainant

Vs.

1.The Superintendent of Police
District Crime Branch (DCB)
Kanchipuram

2.The Inspector of Police
Guduvanchery Police Station
Guduvanchery
Kanchipuram
(Crime No.395 of 2017)

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to pass an order for change of investigation of the complaint in Crime No.395 of 2017, pending on the file of the 2nd respondent to the 1st respondent, in the interest of justice.

For Petitioner : Mr.A.E.Ravi Chandran

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

ORDER

This Criminal Original Petition has been filed by the petitioner under Section 482 Cr.P.C., to pass an order for change of investigation of the complaint in Crime No.395 of 2017, pending on the file of the 2nd respondent to the 1st respondent, in the interest of justice.

2.The learned counsel for the petitioner would submit that the petitioner and his wife are the absolute owners of the Plot No.275, Thirukkural Nagar, comprised in Old Survey No.370/3C/18(part) and 477 (Part) as per Patta New Survey No.477/72, Kayarambedu Village, Chengalpattu Taluk, Kanchipuram District, measuring an extent of 1356 sq. ft. by sale deed dated 23.03.2009,

registered as Document No.1400 of 2009, on the file of the SRO, Chengalpattu and ever since the purchase, the petitioner and his wife are in possession and enjoyment of the said plot by obtaining patta. While that being so, during the month of August 2016, the petitioner received a call from Somasundaram, informing the petitioner that the said property was purchased by him and the petitioner either to sell the property for low rate or to purchase the property from him by paying money failing which he will not allow the petitioner to become the owner of the property and enjoy the same.

3.The learned counsel would further submit that a complaint was lodged before the 2nd respondent on 23.08.2016 in C.S.R.No.1133 of 2016 but no action was taken as against his complaint and no enquiry was conducted. Hence, the petitioner filed a petition in Crl.O.P.No.4849 of 2017 before this Court seeking for a direction to register an FIR against the accused persons. This Court after perusing the records, was pleased to direct the 2nd respondent police to register FIR. After the direction of this Court, the 2nd respondent police without going through the complaint and materials supplied by the petitioner registered FIR in Crime No.395 of 2017, for offence u/s.447 and 506(1) IPC, even though the complaint makes out cognizable offence punishable u/s.465, 468, 471, 419, 420, 506(ii) r/w 120-B and the entire complaint is revolving around land grabbing and till date the investigation has not been commenced. Hence, this petition.

4.The learned Additional Public Prosecutor would submit that FIR has been registered in Crime No.395 of 2017 by the 2nd respondent. The investigation is pending.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

6.Considering the fact that the crime No.395 of 2017 has already been registered and investigation is pending before the 2nd respondent, this Court is not inclined to change the investigation as the same would affect the investigation. However, the petitioner is hereby directed to submit all the relevant documents to attract the connected offence in Crime No.395 of 2017 before the 2nd respondent. The 2nd respondent on receipt of the same is hereby directed to consider those documents to find out whether any offence has been made out as alleged by the petitioner, and can alter the offence and file a

final report in Crime No.395 of 2017 within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above direction, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police
District Crime Branch (DCB)
Kanchipuram

2.The Inspector of Police
Guduvanchery Police Station
Guduvanchery
Kanchipuram
(Crime No.395 of 2017)

3.The Public Prosecutor,
High Court of Madras, Madras.

+1cc to Mr.A.E.Ravi Chandran , Advocate SR.No. 30843
A.SK(08/05/2019) CrI.O.P.No.18643 of 2017

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