



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2019

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Cr1.R.C.(MD) No.203 of 2016

Selvaraj

... Petitioner/Petitioner

Vs.

1.Ambika Ammal

2.Chandrabose

3.Sathish

4.Palraj

5.Patturaj

6.Rajalingam

7.Jegadeessan

..Respondents/Respondents

PRAYER: Criminal Revision Case is filed under Section 397 and 401 Cr.P.C., to call for the records and to set aside the order dated 18.01.2016 passed in Cr.M.P.No.6601 of 2015 on the file of the Judicial Magistrate, Valliyoor by allowing this Criminal Revision Case.

For Appellant : Mr.N.Subramanian
for G.Aravinthan

For R7 : Mr.K.Karthick

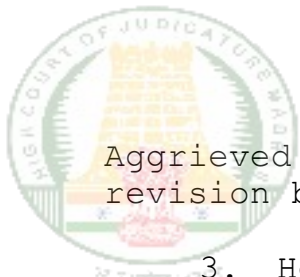
For R1 to R6 : No Appearance

ORDER

This criminal revision case has been filed to set aside the order dated 18.01.2016 passed in Cr.M.P.No.6601 of 2015 on the file of the Judicial Magistrate, Valliyoor.

2.The brief facts of the case are as follows:-

The petitioner filed a private complaint before the learned Judicial Magistrate, Valliyoor regarding a dispute over the petition mentioned property. The learned Magistrate after considering the materials and allegations levelled in the petition has dismissed the private complaint filed by the petitioner and directed the respondent police to investigate the matter and file a charge sheet. The respondent police having registered the case and after completing the investigation filed a report stating that the case was closed as 'mistake of fact'. Against which, he filed a protest petition in Cr.M.P.No.6601 of 2015 before the learned Judicial Magistrate, Valliyoor. The learned Magistrate after perusing the materials placed on record has held that since the allegation levelled in the private complaint relates to land grabbing, the matter may be placed before the land Grabbing Court.



Aggrieved over the same, the petitioner has preferred the present revision before this Court.

3. Heard the learned counsel appearing on both sides and perused the records carefully.

4. The learned counsel for the petitioner would submit that the case is entirely different. He submitted that though the Investigation Officer has filed a report as 'Mistake of Fact', the petitioner has filed the protest petition, which has to be decided on merit, whereas the learned Magistrate directed to file this petition before the Special Court constituted for land Grabbing. Hence, the order of the Court below warrants interference.

5. The learned counsel for appearing for the seventh respondent submit that since the case is registered against the respondent pertains to the land grabbing, the FIR was sent to the Land Grabbing Court and the same has to be decided before the Special Court constituted for Land Grabbing cases. Therefore there is no reason to interfere with the order of the learned Magistrate.

6. Admittedly the complaint was lodged against the respondents under Sections 120 (b), 420, 468 and 471 IPC. When the case was registered against the respondents, the Investigating Officer after conducting an investigation, filed a final report referring the case as 'mistake fact' and closed the complaint. Feeling aggrieved against the final report, the petitioner has filed a protest petition. The learned Magistrate after considering the materials placed on records, has rightly referred the matter to the Special Court constituted for Land Grabbing Cases. This Court does not find any irregularity or infirmity in the order passed by the learned Magistrate. Accordingly, this Criminal Revision Case is dismissed. However, the petitioner is at liberty to defend his case before the Special Court constituted for Land Grabbing Cases.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

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To

WEB COPY

1.The Judicial Magistrate, Valliyoor.

Copy to

The Section Officer, Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1CC TO MR.P.JESSI JEEVA PRIYA, Advocate Sr. No.43072

+1CC TO MR.K.KARTHICK, Advocate Sr. No. 43177

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AVS (CO)

TR (08.07.2019) 3P 6C