



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :01.11.2019

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD) No.14578 of 2019

Arun .. Petitioner/Respondent/Defacto Complainant

Vs.

1. The Inspector of Police,
Umachikulam,
Madurai.
(Cr.No.831 of 2012)

2. The Inspector of Police,
Anti Land Grabbing Cases,
CCB, Madurai. .. Respondents/Complainants

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records in RCS.No.4 of 2017 in Crime No. 831 of 2012 on the file of the Judicial Magistrate `Special Court for Exclusive Trial of Land Grabbing Cases, Madurai dated 13.09.2017 set aside the same

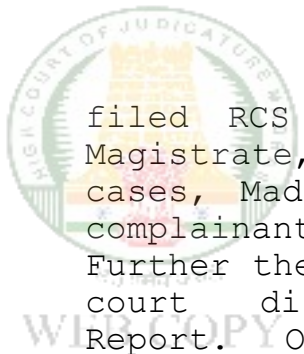
For Petitioner : Mr.K.P.S.Palanivelrajan

For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate(Crl.Side)

O R D E R

The petition has been filed to set aside the order passed by the learned Judicial Magistrate `Special Court for Exclusive Trial of Land Grabbing Cases, Madurai in RCS.No.4 of 2017 in Crime No. 831 of 2012 dated 13.09.2017.

2. It is seen that on the complaint lodged by the petitioner, the second respondent registered a case in Crime No. 831 of 2012 for the offence under Section 147,447,294(b),506(i),342,387 and 420 of IPC. After completing investigation the first respondent closed the complaint as 'Mistake of Fact' and filed final report before the concerned Magistrate. It was objected by the petitioner/defacto complainant by way of protest petition. Considering the same, the learned Magistrate ordered further investigation to the second respondent. The second respondent conducted fresh investigation and



filed RCS Notice in RCS No.4 of 2017 before the Judicial Magistrate, Special Court for Exclusive trial of Land Grabbing cases, Madurai and on receipt of the same the petitioner/defacto complainant appeared before the Court and filed objection petition. Further the petitioner was absent on 13.09.2019 Thereafter the trial court dismissed the petition and closed the First Information Report. Only point for consideration is while accepting the RCS notice the learned Magistrate did not apply his mind and no reason was stated in the order. On this ground along the impugned order of the learned Judicial Magistrate, Special Court for Exclusive trial of Land Grabbing cases, Madurai is set aside and the matter is remitted back to the learned Magistrate for fresh disposal. The learned Magistrate is directed to pass orders on merits and inaccordance with law on the RCS notice filed by the second respondent, if the petitioner/defacto complainant filed any objection and the same may be considered within a period of six weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

aav

To

1. The Judicial Magistrate,
Special Court for Exclusive trial of Land Grabbing cases, Madurai
2. The Inspector of Police,
Umachikulam, Madurai.
3. The Inspector of Police,
Anti Land Grabbing Cases,
CCB, Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.P.S.PALANIVELRAJAN, Advocate (SR-95686[F] dated 04/11/2019)

Crl.O.P(MD) No.14578 of 2019
01.11.2019

JMN(11.11.2019) 2P : 6C