

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No. 699 of 2015

and

MP.No. 1 of 2015

R.Jayachandran

...

Petitioner/Accused

Vs.

1.State by : The Inspector of Police
S-8, Adambakkam Police Station,
Adambakkam, Chennai 600 088.

2.P.Deekaram

...

Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., seeking to call for the records of FIR in Crime No.1769 of 2014 pending investigation on the file of the first Respondent and quash the same.

For Petitioner : Mr.G.Krishnakumar

For Respondents :.Mr.C.Iyyapparaj, APP for R1

: Mr.R.Sankarasubbu for R2

ORDER

This petition has been filed by the petitioner, seeking to call for the records of FIR in Crime No.1769 of 2014 pending investigation on the file of the first Respondent and quash the same.

2. The case of the petitioner is that the agricultural lands in S.F.No.71/1 and 71/3 (Paimash Nos.558, 558/1 and 620) Adambakkam Village, measuring to an extent of 3.11 acres that formed part of a larger extent of land was purchased by way of Court auction under E.P.No.88/1947 by one Ekambara Mudaliar on 09.07.1947 and the sale was confirmed and he was put in possession and enjoyment of the same on 19.08.1947. However, now the second respondent filed a false complaint before the first respondent police that the petitioner is not the owner of the property, which has admitted in the above FIR.

3.The learned counsel appearing for the petitioner states that though the defacto complainant filed a complaint before the law enforcing agency on the ground that they obtained a patta from the Tashildar, which was challenged by the petitioner, by filing a writ petition before this Court in WP.No.13302 and 13303 of 2015 praying to issue a writ of certiorarified Mandamus calling for the records of the second respondent in Na.Ka.No.1755/2013/A and quash the order dated 04.06.2013 passed therein and directing the respondents 2 and 4 to filed Register (TSFR) of Adambakkam Village pertaining to survey No.71/1 and 71/3 corresponding to T.S.No.184/13, the consequential inclusion and restore the name of the petitioners in the same as it stood, which was allowed. In such circumstances, it is prayed that this Court may produce necessary proof to establish his title over the property and further submitted that such proof shall be placed along with the copy of the order passed by this Court in WP.No.13302 and 13303 of 2015 and the Law enforcing agency may be directed to decide the matter in accordance with law. He would submit that a suit was filed by the respondent in O.S.No.582/1997 which also ended in favour of the petitioner.

4.The learned counsel appearing for the private respondent also prays this Court to permit the respondent to produce all the records which are relevant to this matter before the law enforcing agency.

5.The learned Additional Public Prosecutor on instructions stated that initially this case was registered against the petitioners and thereafter charge sheet was filed before the concerned civil Court, which was returned raising some queries. Hence he prays this court to issue appropriate direction to redo the exercise in view of the decision of this court in WP.No.13302 and 13303 of 2015.

6.Considering the limited request made by the learned counsel appearing on either side, this Court, without going into the merits of the case, is inclined to issue direction to the law enforcing agency to complete the investigation in Crime No.1769/2014, after giving opportunity to the petitioner and respondent, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner and the respondent are directed to co-operate with the law enforcing agency for early completion of the investigation by producing necessary records in their possession.

7. This criminal original petition is disposed of with the aforesaid directions. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

jrs

To

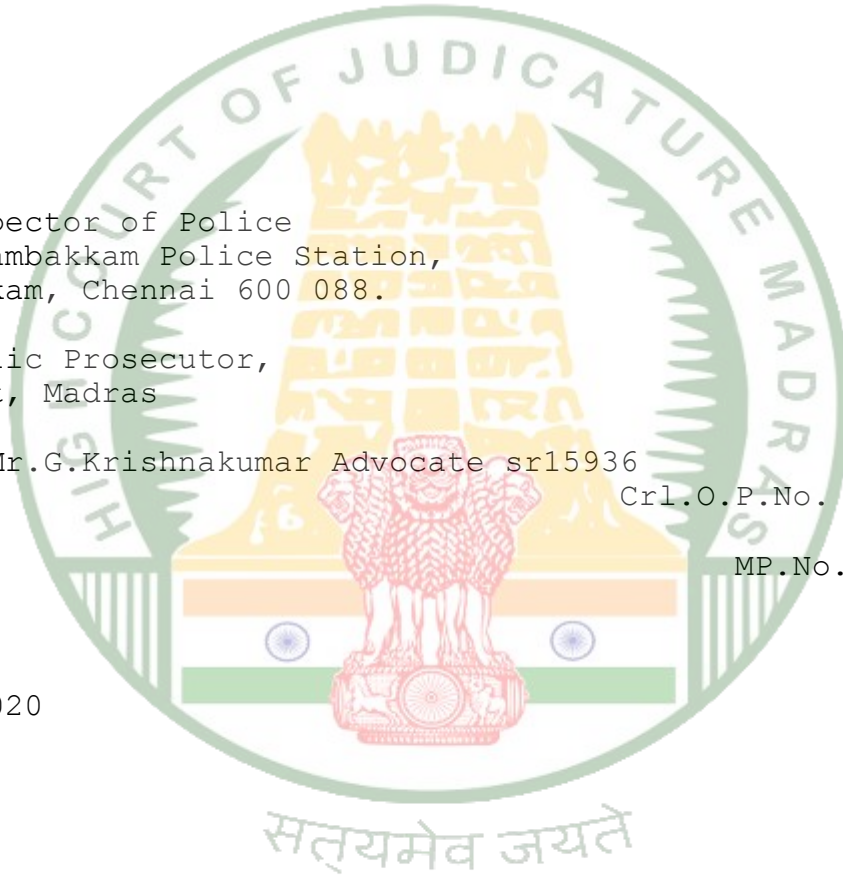
1.The Inspector of Police
S-8, Adambakkam Police Station,
Adambakkam, Chennai 600 088.

2.The Public Prosecutor,
High Court, Madras

+1 cc to Mr.G.Krishnakumar Advocate sr15936

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