

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.5233 of 2020

M.Rajesh

.. Petitioner/
Defacto Complainant

Vs.

The State represented by its
The Inspector of Police,
District Crime Branch,
Erode District.
(Crime No.72 of 2009)

.. Respondent/
Dejure -Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judicial Magistrate Court No.II, Erode to dispose C.C.No.1165 of 2019 as expeditiously as possible within a period of stipulated time and by appreciating the above stated facts and circumstances.

For Petitioner : Mr.M.Guruprasad

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

ORDER

This criminal original petition has been filed to direct the learned Judicial Magistrate Court No.II, Erode to dispose C.C.No.1165 of 2019 as expeditiously as possible within a period of stipulated time

2. The petitioner/defacto complainant is the son of one Mangala Gowri, who had executed a Gift Deed in respect of some properties measuring to an extent of 1907.5 sq.ft., on 05.05.2018 and the said document was also registered on the file of the Office of the Sub Registrar, Avalpoondurai, bearing document No.2851 of 2008. When the petitioner was planning to construct a house on the said land, he had applied for the encumbrance certificate and to his shock and surprise, he found that the property was transferred in the name of a stranger and that one Manjula had impersonated his mother and sold the land in question to one Baby. Hence, the petitioner

has lodged a complaint against said Manjula and since, there was no progress in the investigation, he has filed CrI.O.P.No.1938 of 2009, on the file of his Court seeking for registration of FIR and based on the orders of this Court, the case came to be registered in Crime No.72 of 2009, on 19.02.2009, for the commission of the alleged offences under Sections 120(b), 467, 468 and 471 of IPC read with Section 109 of IPC. Since, even after the lapse of nine years there was no progress in the investigation and once again the petitioner has filed a petition CrI.O.P.No.17096 of 2018, on the file of this Court and this Court vide order dated 18.07.2018 directed the Inspect of Police, Modakurichi Police Station, to hand over the case diary in Cr.No.72 of 2009 to the Inspector of Police, District Crime Branch, Erode, within a period of two weeks from the date of receipt of a copy of the order and the latter was directed to complete the investigation of the case as expeditiously as possible. The Investigating Officer on completion investigation, has filed a final report before the learned Judicial Magistrate No.II, Erode on 11.10.2019 and the case was taken on file in C.C.No.1165 of 2019. It is his further grievance that the offence committed was of the year 2009 and the final report was filed much belatedly after ten years i.e., on 11.10.2019 and hence, seeking early disposal of the case in C.C.No. 1165 of 2019, the petitioner has come up with the present petition.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. Considering the limited request made by the petitioner, this Court directs the learned Judicial Magistrate Court No.II, Erode to dispose of CC.No.1165 of 2019 within a period of twelve weeks from the date of receipt of copy of this Order.

5. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dua
To

1.The Inspector of Police,
District Crime Branch,
Erode District.

2.The Public Prosecutor,
High Court, Madras.

3.The Judicial Magistrate Court No.II,
Erode.

+1cc to Mr.M.Guruprasad, Advocate SR.20967

Cr1.O.P.No.5233 of 2020

JP(CO)
CB(27/05/2020)



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