

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 12880 of 2020

M.Uma,
D/o.Mr.R.Muthaiah,
No.3, 2nd Cross, Kamarajar Street,
Vasantha Nagar, Villianur,
Pondicherry-10 ... Petitioner

Vs.

- 1.The Superintendent of Police,
Villupuram District,
Villupuram.
- 2.The Sub Inspector of Police,
Land Grabbing Special Cell,
O/o.District Crime Branch,
Villupuram. ... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondents to take action against the accused persons on the basis of the petitioner's complaint dated 03.10.2018 in C.No.16/SP/Camp/VPM/18 filed before the 1st respondent closed by the 2nd respondent.

For Petitioner : Mr.N.Poovanalingam

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor.

O R D E R

This petition has been filed seeking for direction directing the respondents to take action as against the accused persons on the petitioner's complaint dated 03.10.2018 in C.No.16/SP/Camp/VPM/2018 filed before the first respondent closed by the second respondent.

2.The learned counsel for the petitioner would submit that the accused persons are being the police personnels and as such the complaint lodged by the petitioner has been now closed. In fact the petitioner also filed private complaint before District Munsif cum Judicial Magistrate, Vanur, in CrI.M.P No.71 of 2020 and the learned Magistrate without even conducting any enquiry, without even recording the sworn statement of the petitioner and supporting witnesses, the

District Munsif cum Judicial Magistrate, Vanur, by an order dated 23.07.2020, posted the matter for recording the sworn statement of the petitioner on 20.08.2020.

3.The learned Additional Public Prosecutor submitted that the complaint lodged by the petitioner have been enquired by second respondent and found that all the allegations are civil in nature and as such closed on 06.12.2019 itself. Thereafter, the petitioner filed private complaint and it is pending before District Munsif cum Judicial Magistrate, Vanur.

4.Considering above submissions made by the learned counsel for the petitioner and the learned Additional Public Prosecutor, the complaint lodged by the petitioner has been closed by the second respondent as early as on 06.12.2019. Thereafter the petitioner filed private complaint before District Munsif cum Judicial Magistrate, Vanur and it is pending.

5.On perusal of the "A Diary Extract", it is seen that on 23.07.2020 the learned Magistrate, recorded that the matter is civil in nature and hence does not require any exclusive investigation by the police. Therefore, posted the matter for recording the sworn statement of the petitioner on 20.08.2020. The learned Magistrate has to follow the procedure laid down under section 201 to 203 Cr.P.C on the private complaint lodged by the petitioner. Therefore, the learned Magistrate, Vanur is directed to conduct enquiry after recording sworn statement of the petitioner and evidence of supportive witnesses of the defacto complainant, and proceed in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6.It is also made clear that if any cognizable offence is made out, the learned District Munsif cum Judicial Magistrate, Vanur is directed to proceed with the case after issuing summons to the accused persons, in accordance with law.

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

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

mpa

To

1.The Superintendent of Police,
Villupuram District,
Villupuram.

2.The Sub Inspector of Police,
Land Grabbing Special Cell,
O/o.District Crime Branch,
Villupuram.

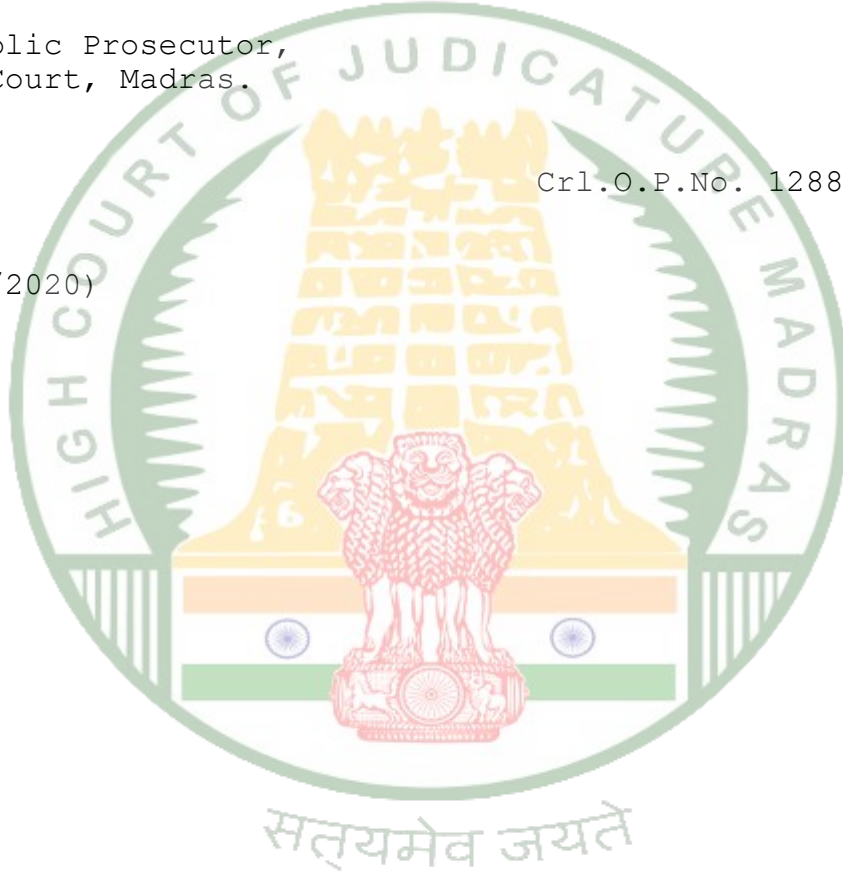
3. The District Munsif Cum Judicial Magistrate,
Vanur.

4. The Chief Judicial Magistrate (For Information)
Villupuram.

5. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No. 12880 of 2020

SPD(CO)
GMY(28/10/2020)



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