

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.15603 of 2020

J.Kathiresan,
S/o.C.Jayaraman,
residing at Flat No.3,
Door No.2/24, Murugesan Street,
Aashiyana Apartments,
Perambur,
Chennai - 600 011. Petitioner

Vs.

1. District Collector,
Chennai District,
Chennai.
2. The Tahsildar,
Perambur,
Chennai - 600 011.
3. The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 007.
4. The Inspector of Police,
Team 17, Central Crime Branch,
Vepery, Chennai - 600 081. ... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 3 and 4 to implement the order in Crl.M.P.No.01 of 2020 dated 28.01.2020 passed by the Special Court for Exclusive Trial of Land Grabbing Case No.II, Egmore/Special Metropolitan Magistrate, Egmore at Allikulam.

For Petitioner : Mr.M.Gnanasekar

For Respondents: Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondents 3 and 4 to implement the order in CrI.M.P.No.01 of 2020 dated 28.01.2020 passed by the Special Court for Exclusive Trial of Land Grabbing Case No.II, Egmore/Special Metropolitan Magistrate, Egmore at Allikulam.

2.The learned counsel appearing for the petitioner submitted that the petitioner lodged a complaint on 10.09.2018 on the file of the Central Crime Branch, Chennai and after conducting the enquiry, the petitioner's complaint was closed on the same day. Aggrieved by the same, the petitioner filed the complaint for direction under 156 (3) Cr.P.C. in CrI.M.P.No.1 of 2020. On a perusal of the records, it is seen that the learned Magistrate by an order dated. 28.01.2020 directed the 1st respondent to conduct the enquiry and registered the case on the complaint dated 10.09.2018. Even after specific direction issued by the learned Magistrate, the 1st respondent did not register any FIR and has kept the complaint in cold storage.

3.The learned Additional Public Prosecutor submitted that on receipt of the order from the learned Magistrate, the 1st respondent has proceeded with the enquiry and closed the complaint on the same day. The learned Magistrate while issuing direction under 156 (3) Cr.P.C., directed the 1st respondent to conduct enquiry and register the case if necessary on the complaint dated 10.09.2018.

4. When the Courts below directed the police authority under Section 156 (3) to conduct the enquiry and file a report, it mandates that the police officials shall register the FIR and only thereafter they have to conduct investigation and file a final report as directed by the Court concern. Therefore, the 4th respondent is directed to register the FIR as directed by the Special Court for Exclusive Trial of Land Grabbing Case No.II, Egmore/Special Metropolitan Magistrate, Egmore at Allikulam, by an order dated 28.01.2020 in CrI.M.P.No.01 of 2020 forthwith and conduct the investigation.

5.With the above directions, this Criminal Original Petition is Disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gbi
To

1.The District Collector,
Chennai District,
Chennai.

2.The Tahsildar,
Perambur,
Chennai - 600 011.

3.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 007.

4.The Inspector of Police,
Team 17, Central Crime Branch,
Vepery, Chennai - 600 081.

5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Ganansekar, Advocate, sr no.32384

CrI.O.P.No.15603 of 2020

SR(CO)
RMP(11/11/2020)



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