



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P. (MD)No.10728 of 2020

1.Radhakrishnan

2.Periyasamy

... Petitioners

Vs.

The Inspector of Police,
Anti-Land Grabbing (Special Wing),
Theni District.

... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to set aside the investigation and final report dated 11.03.2020, filed by the respondent on 03.09.2020, wherein the investigation was said to have carried out, as per the direction given by the learned Special Judge for Land Grabbing Cases (JM), Theni in D.No.41/2020 on 17.03.2020 in Cr.M.P.No.Nil/2020 and direct the respondent to register F.I.R. as per law against the accused persons mentioned in the private complaint filed under Section 156 (3) of Cr.P.C., dated 13.03.2020.

For Petitioners

: Mr.K.Muthumalai

For Respondent

: Mr.V.Neelakandan,

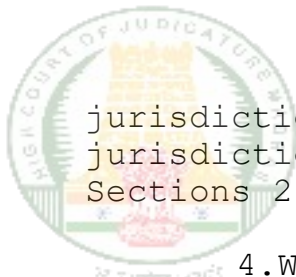
Additional Public Prosecutor.

O R D E R

Heard the learned counsel on either side.

2.The petitioners' grievance is that when they filed a private complaint and asked for direction under Section 156(3) of Cr.P.C., the jurisdictional Court by order dated 17.03.2020 directed the respondent either to register an FIR or file a report. It appears that even before the said order was passed, the respondent had made up their mind to close the complaint given by the petitioners herein. The petitioners therefore filed Cr1.O.P.(MD) No.8919 of 2020 before this Court. This Court gave a direction to the respondent to file final report and gave liberty to the petitioners to move this Court again after perusing the report of the respondents. Armed with the said report of the respondent, this criminal original petition is filed for setting it aside.

3.I am of the view invoking Section 482 of Cr.P.C., in this case is rather misconceived. The respondent has not filed any FIR based on the petitioners' complaint. The petitioners' petition was closed after enquiry. The question of setting it aside by this Court does not arise. At the same time, the petitioner cannot be left remediless. The petitioner is given liberty to move the



jurisdictional Court by filing a private complaint. The jurisdictional Court is mandated to follow the procedure set out in Sections 200 to 204 of Cr.P.C.

4. With this liberty to the petitioner to move the jurisdictional Court for filing a private complaint, the criminal original petition is disposed of. I make it clear that I have not gone into the merits of the matter.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The Inspector of Police,
Anti-Land Grabbing (Special Wing),
Theni District.

Copy To:- The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No. 10728 of 2020
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SRK(CO)
AP(16/10/2020) 2P 3C