



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.17375 of 2021

S.Muthusami

... Petitioner/Defacto Complainant

Versus

1.The Commissioner of Police,
Commissioner Office,
132, EVK Sampath Road,
Vepery, Chennai-600 007

2. State rep by
The Inspector of Police,
CCB-1,
Office of Commissioner Office,
132, EVK Sampath Road, Vepery,
Chennai-600 007.

... Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to withdraw the case in Cr.No.168 of 2016 pending on the file of Hon'ble Metropolitan Magistrate/Special Court for Exclusive trial of land Grabbing case No.II, Allikulam, Chennai and transfer the same to the file of learned Metropolitan Magistrate/Special court for Trial of CCB and CB-CID cases at Egmore, Chennai to try the same within a time framed fixed by this Hon'ble High Court.

For Petitioner : Mr.M.Habeeb Rahman

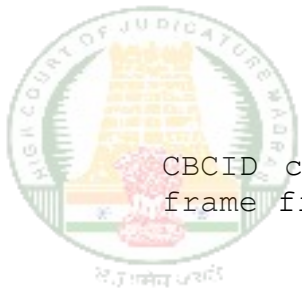
For Respondents: Mr.A.Damodaran

Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

This Criminal Original Petition has been filed by the petitioner seeking to withdraw the case in Crime No.168 of 2016, pending on the file of the Metropolitan Magistrate/Special Court for Exclusive Trial of Land Grabbing Case No.II, Allikulam, Chennai and transfer the same to the file of learned Metropolitan Magistrate / Special Court for trial of CCB and



CBCID cases at Egmore, Chennai, to try the same within a time frame fixed by this Court.

2.The defacto complainant lodged a complaint stating that the property was purchased by his father-in-law out of his own income in 149, Pallikaranai Village, in Ramnagar South Extension and in Survey Nos.45, 46/1, 46/2 admeasuring 4800 sq.ft. This property was purchased from one K.R.Letchumana Pillai vide document No.175 of 1970. The petitioner's mother-in-law died leaving petitioner's wife Lakshmi as her only legal heir. On 04.04.2013, when the petitioner and his wife gone to visit their property, they found name plate in the name of Rajendra Kumar, immediately, they went to Sub-Registrar Office, Saidapet and applied for encumbrance and found that a forged document No.3216 of 2013 registered for the property of the petitioner. In the said document, vendor traces his right over the property through document No. 1854/1964, as though one Gopinathan sold the property to the vendor. Further, in the said property, multi-storied building was constructed. Hence, the petitioner filed a civil suit in O.S.No. 855 of 2013. In the civil suit, the accused herein created forged document No.1854/1964 and thereafter, the said document sent to S.R.O. On verification, it was found that in the said survey number, the document in the name of Ayesha Beevi was available. Hence, on the prima facie document found to be forged and a case in Crime No. 168 of 2016 came to be registered for the offence under Sec.419, 420, 465, 467, 468, 471, 448 and 120B I.P.C. Thereafter, no worthwhile investigation conducted. Hence, the petitioner filed a direction petition in Crl.O.P.No. 16786 of 2018 before this Court. This Court by an order dated 06.02.2019 directed the Deputy Commissioner of Police, C.C.B. to monitor the investigation conducted by the 2nd respondent and directed the 2nd respondent to complete the investigation and to file a final report in Crime No.168 of 2016 within a period of three months. Thereafter only, charge sheet in this case came to be filed. He would further submit that now charge sheet was filed and the same is kept pending without any progress, since the Apex Court has granted stay and restrained the functioning of Special Court for land grabbing case. In view of the same, the petitioner seeks transfer of the case in Crime No.168 of 2016, pending on the file of the Metropolitan Magistrate/Special Court for Exclusive Trial of Land Grabbing Case No.II, Allikulam, Chennai to the file of learned Metropolitan Magistrate / Special Court for trial of CCB and CBCID cases at Egmore, Chennai.

3.The learned Additional Public Prosecutor would submit that investigation completed in Crime No.168 of 2016 and charge



sheet already filed, yet to be numbered, they have no objection for transferring the case in Crime No.168 of 2016 from the file of the Metropolitan Magistrate/Special Court for Exclusive Trial of Land Grabbing Case No.II, Allikulam, Chennai to the file of learned Metropolitan Magistrate / Special Court for trial of CCB and CBCID cases at Egmore, Chennai and also the respondent police shall produce the witnesses then and there without delay and it would complete the trial within a stipulated period.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

5. Considering the submissions and also limited relief sought by the petitioner, finding that charge sheet filed in Crime No.168 of 2016, yet to be numbered, this Court directs transfer Crime No.168 of 2016, consequently, the charge sheet, which is pending on the file of the Metropolitan Magistrate/Special Court for Exclusive Trial of Land Grabbing Case No.II, Allikulam, Chennai to the file of learned Metropolitan Magistrate / Special Court for trial of CCB and CBCID cases at Egmore, Chennai and to dispose the same within a stipulated period, since the petitioner seems to be a senior citizen.

6. This Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

rpp/nr

To

1. The Commissioner of Police,
Commissioner Office,
132, EVK Sampath Road,
Vepery, Chennai-600 007

2. The Inspector of Police,
CCB-1, Office of Commissioner Office,
132, EVK Sampath Road, Vepery,
Chennai.



3.The Metropolitan Magistrate/
Special Court for Exclusive Trial of Land Grabbing case No.II,
Allikulam, Chennai.

4.The Metropolitan Magistrate/
Special Court for Trial of CCB and CBCID case at
Egmore, Chennai.

5. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.Habeeb Rahman, Advocate, S.R.No.50468

CRL.O.P.No.17375 of 2021

PVS(CO)
GN(01/11/2021)