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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.7761 OF 2017

AND

CRL.M.P.NOS.5610 &5611 OF 2017

M.Venkatesan,
Formerly Inspector of Police,
J10, Semmenchery Police Station,
Semmenchery, Chennai - 119.

Presently Deputy Superintendent of police,
Vigilance and Anti Corruption,
Vilupuram District.

... Petitioner/5th Accused

.Vs.

M.Kishore Kumar

... Respondent/Complainant

PRAYER:-

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to C.C.No.430 of 2015 pending on the file of Judicial Magistrate, Alandur and quash the same.

For Petitioner : Mr.M.Deivanandam

For Respondent : No appearance

ORDER

This Criminal Original petition has been filed to call for the records pertaining to C.C.No.430 of 2015 pending on the file of Judicial Magistrate, Alandur and quash the same.

2. The respondent has filed a private complaint alleging that the accused/A1 fabricated the Power of Attorney. On the strength of the same, he sold the property in favour of A4. The defacto complainant preferred a complaint in this regard when



the petitioner was working as an Inspector of Police. At relevant point of time, he has not acted promptly in order to register the case against the perpetrators. Therefore, he should also to be prosecuted.

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3. The entire allegations of the private complaint filed by the respondent indicate that the main allegation is with regard to the forged power of attorney dated 27.02.2014 by A1 and others. The only grievance of the defacto complainant as against the present petitioner is that since the information given to the Investigation Officer was not acted upon by the petitioner, therefore, he should be prosecuted. It is to be noted that the very allegation in the complaint itself indicates that the complaint was lodged by him before the Inspector of Police. Such being the position, the remedy lies somewhere and not to the Investigation Officer who has done the investigation. Any person who is aggrieved by the final report ought to have filed a protest petition before the Judicial Magistrate Court, which has not been done. Therefore, considering the entire allegations, the complaint even taken on its face value, will not constitute any offence against the present petitioner. Accordingly, the private complaint against the present petitioner alone is quashed.

4. Accordingly, this Criminal Original petition is allowed. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

msv

To

The Judicial Magistrate,
Alandur.

+2ccs to Mr.M.Deivanandam, Advocate, S.R.No.57447

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VG-II(CO)
PBS/03/12/2021