



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 08.02.2021

PRESENT

THE HONOURABLE MRS .JUSTICE R.HEMALATHA

CRL OP(MD). No.1682 of 2021

WEB COPY

A.Soundararajan

... Petitioner

Vs

1.Indirani

2.Ponnan

3.The Inspector of Police,
Anti Land Grabbing Special Cell,
Condonement,
Trichy District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to set aside the return endorsement dated 18.12.2020 made by the Judicial Magistrate, Srirangam in CC.No.Not known of 2020 (CF.SR.No. 1828 of 2020) and to number the private complaint filed by the petitioner under Section 200 of Code of Criminal Procedure.

For Petitioner : Mr.S.Vashik Ali

For Respondent No.3 : Mr.S.Chandrasekar

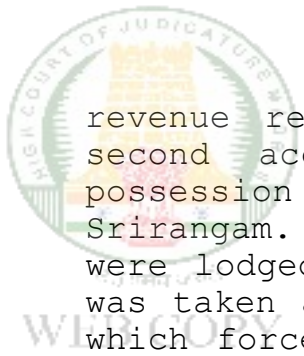
Additional Public Prosecutor

ORDER

The present petition is filed seeking for a direction to the learned District Munsif-cum-Judicial Magistrate, Srirangam, to number the private complaint filed by the petitioner under Section 200 of the Code of Criminal Procedure.

2.Mr.S.Vashik Ali, learned counsel appearing for the petitioner contended that the petitioner filed a private complaint under Section 200 of the Code of Criminal Procedure before the District Munsif-cum-Judicial Magistrate, Srirangam and the said complaint was returned on 18.12.2020 with an endorsement that since the third respondent, Anti land Grabbing Cell, Trichy is not within the territorial jurisdiction of the Court, the private complaint filed by the petitioner is not maintainable before him. Aggrieved over the orders passed by the District Munsif cum Judicial Magistrate, the present petition is filed.

3.Mr.S.Vashik Ali, learned counsel appearing for the petitioner would submit that the allegation made in the private complaint is that the first accused fraudulently created a sale deed in respect of the land belonging to the petitioner and also made mutation of



revenue records. His further contention is that the first and second accused are interfering in the petitioner's peaceful possession and enjoyment of the property in Survey No.254/2 of Srirangam. It is also his contention that though several complaints were lodged by the petitioner with the third respondent, no action was taken against the accused 1 and 2 (respondents 1 and 2 herein) which forced him to file a private complaint under Section 200 of the Code of Criminal Procedure before the learned District Munsif cum Judicial Magistrate, Srirangam.

4.Mr.S.Chandrasekar, learned Additional Public Prosecutor, who accepts notice on behalf of the third respondent, on instructions, would submit that the complaint lodged by the present petitioner was registered in Current Petition No.K1(2)22363/2395/CPO/TRC/2020 and after enquiry, it was closed. The aforesaid submissions have not been refuted by the learned counsel for the petitioner.

5. However, the matter in issue is the written endorsement made by the District Munsif cum Judicial Magistrate, Srirangam in the private complaint filed by the petitioner, that the third respondent police does not fall within the jurisdiction of the Court. Even as per the contentions of the learned counsel appearing for the petitioner, all the transaction including the criminal act of the accused took place within the jurisdiction of the Judicial Magistrate, Srirangam. In the circumstances, the District Munsif cum Judicial Magistrate, Srirangam is directed to number the private complaint filed by the petitioner and proceed further as per the procedure laid down under Section 200 of the Code of Criminal Procedure.

6.With the above observation, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmk

Note : (i) 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.

<https://hcservices.ecourts.gov.in/hcservices/>



(ii) Registry is directed to return the original complaint to the petitioner.

To

1.The District Munsif cum Judicial Magistrate,
Srirangam.

2.The Inspector of Police,
Anti Land Grabbing Special Cell,
Condonement,
Trichy District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO

The Section Officer, ER Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to MR.S.VASHIK ALI, Advocate (SR-3865[F] dated 08/02/2021)

ORDER
IN
CRL OP(MD) . No.1682 of 2021
Date : 08.02.2021

VB (03.03.2021) 3P 6C