



Crl.R.C.No.266 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl. R.C.No.266 of 2022

K.Ramachandra Kurup

... Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai City,
EVK Sampath Road, Vepery,
Chennai 600 007.

2.The Assistant Commissioner of Police,
Central Crime Branch, Wing -26,
EVK Sampath Road, Vepery,
Chennai 600 007.

3.The Inspector of Police,
Land Grabbing Wing 26,
Central Crime Branch,
Vepery,
Chennai 600 007.

... Respondents

PRAYER: Criminal Revision Cases filed under Section 397 read with Section 401 of Cr.P.C., to call for records relating to Crl.M.P.No.4848 of 2021 on the file of the learned Metropolitan Magistrate, Egmore and set aside the order



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dated 21st January 2022 and consequently, the first respondent to register the case based on the complaint lodged by the petitioner on 3rd July 2019.

For Petitioner : Mr.S.Chandan Babu

For Respondents : Mr.S.Sugendran,
Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed to set aside the order dated 21.01.2022 passed by the learned Metropolitan Magistrate, Egmore in Crl.M.P.No.4848 of 2021 and consequently, direct the first respondent to register the case.

2. The petitioner herein had filed petition under Section 156(3) of Cr.P.C., before the learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai, to direct the first respondent police to investigate the matter and to lay the charge sheet and the same was dismissed by the learned Metropolitan Magistrate. Aggrieved over the same, the petitioner has filed the present Criminal Revision Case.



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3. Learned counsel for the petitioner would submit that the petitioner is the President of the Cine Technicians Association of South India, T-Nagar, Chennai (herein after referred to as “Association”), which was registered in Tamil Nadu Society Registration Act, 1975. At present, more than 600 members are in the Association. During the year of 1992-93, the Association collected funds from the members and purchased large extent of land near Maangadu and Kaattupakkam. The same was registered in the name of the erstwhile President and the Secretary of the Association. All the original documents were with the Association. The petitioner herein, in the year of 2006, had developed vacant sites and constructed houses under Cine Technician Association Housing Scheme (herein after referred to as “CTA Housing Scheme”) and handed over the houses to the members of the Association. Further, the petitioner is also taking step to construct the houses to the remaining eligible members in the place of already purchased properties on behalf of CTA Housing Schemes.

4. Learned counsel for the petitioner would further submit that the petitioner applied for encumbrance in Sub Registrar Office and it came to know



that the properties were purchased by one Seegampatti Rajagopal and S.V.Rao on the basis of the CTA Housing Scheme. Both of them have settled the properties in favour of their spouses viz., Banumathy and Jancy respectively. Since the properties belong to CTA Housing Scheme, the total extent of 2 acres and 11.25 cents were settled by the Seegampatti Rajagopal and S.V.Rao in favour of their spouses. The subject matter of the property covered under settlement, are purchased in the name of CTA Housing Scheme fund and without any original documents, settlement deeds were executed by the above said two persons in favour of their spouses, with the help of Sub Registrar, Kundrathur and grabbed the large extent of Association Properties. Therefore, the petitioner preferred a complaint before the respondent police. The respondent police not taken any action against the accused. Therefore, the petitioner filed petition under Section 156(3) of Cr.P.C., before the learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai, to direct the respondent police to register the case and to proceed with the investigation.

5. According to the learned counsel for the petitioner, the learned Metropolitan Magistrate failed to consider the fact that the properties were



purchased, out of the common funds collected from the members of the Association and the properties were purchased in the name of the erst while President and the Secretary as official capacity, whereas, they dealt with the properties as if it is their own properties and also, documents shows that they registered the properties in their own names. Subsequently, they settled the properties as if the properties are personal properties of the above said Seegampatti Rajagopal and S.V.Rao. Therefore, when the petitioner preferred a complaint before the respondent police, the respondent police failed to consider the complaint and the learned Magistrate also failed to appreciate the averments and dismissed the petition. Therefore, the present Revision has been filed.

6. Mr.S.Sugendra, learned Additional Public Prosecutor appearing for the respondents would submit that already there was a complaint against this petitioner in this regard and the respondent police also investigated the matter and laid the charge sheet before the learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai and the case was taken on file in C.C.No.7646 of 2021, which is pending. Suppressing the fact, in order to escape from the case,



as a counter blast, the petitioner had filed the petition under Section 156(3) before the Trial Court. After considering the materials and facts, the Trial Court finding that there was no prima facie case has been made out against the petitioner and dismissed the petition as there is no merit.

7. Heard the learned counsel on either side and perused the materials placed on record.

8. Admittedly, the Cine Technician Association of South India have purchased the properties in the name of the Society, by utilizing the funds collected from the members, in order to construct houses and provide the same to the eligible members of the Association. In the year of 1993, they had constructed some of the houses for the members. Subsequently, there was a allegation against this petitioner. Even in the year of 2011, a complaint has been lodged against this petitioner and others and a case has been registered in connection with a Crime No. 152 of 2011. After investigation, charge sheet has also been laid. The case was taken on file and the same is pending. The petitioner filed petition under Section 156(3) of Cr.P.C., before the learned



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Magistrate against the erstwhile President and the Secretary of the Association, and the same was dismissed by the learned Metropolitan Magistrate. A perusal of records, it is seen that the petitioner has not filed any complaint from the year 2011 to 2019. Subsequently, now the petitioner has filed the complaint before the respondent police and also filed the petition before the learned Metropolitan Magistrate.

9. A perusal of entire fact, the petitioner has not approached this Court with clean hands and he suppressed the earlier complaint and the cases registered against him. The petitioner has also not given any reason for the delay in filing of the complaint before the respondent police. There is no merit in the Revision. Therefore, this Revision is liable to be dismissed.

10. Accordingly, this Criminal Revision Case is dismissed.

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P.VELMURUGAN, J.

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To

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- 4.The Public Prosecutor,
High Court of Madras.

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