



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.NO.11126 OF 2022

AND

WMP.NOS.10713 & 10715 OF 2022

P.O.Abraham
Proprietor of Avon Bitamin Company
Village No.213,
Ariyapakkam Village,
Madurantakam Taluk,
Kancheepuram District.

...Petitioner

Vs

1.The Superintendent of Police
O/o.The Superintendent of Police
Kancheepuram District,
Kancheepuram.

2.The Inspector of Police
Land Grabbing Cell,
O/o.District Crime Branch
Kancheepuram District,
Kancheepuram.

3.The Sub Inspector of Police
Land Grabbing Cell,
O/o.District Crime Branch
Kancheepuram District,
Kancheepuram.

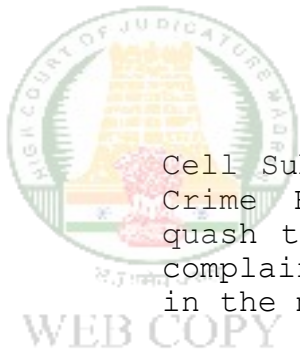
4.Balasingam also known as
N.Govindarajan

5.R.Ananthalakshmi

6.Sivakumar

...Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the issue of the order dated 17.12.2020 in proceedings vide C.No.260A/DSP/ALGSC/KPM/2019 passed by the Sub Inspector of Police, Land Grabbing



Cell Sub Division, Kancheepuram District, office of the District Crime Branch, Kancheepuram, the third respondent herein and quash the same and direct the respondents 1 to 3 to restore the complaint and register a FIR and deal with the accused involved in the matter against the respondents 4 to 6.

For Petitioner : Mr.D.Ashok Kumar

For Respondents : Mr.A.Gokulakrishnan
Addl. Public Prosecutor
for R1 to R3

O R D E R

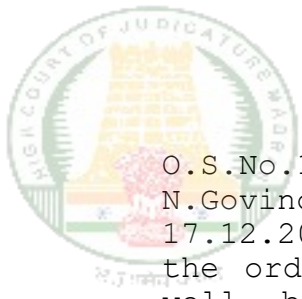
This petition has been filed to call for the records pertaining to the issue of the order dated 17.12.2020 in proceedings vide C.No.260A/DSP/ALGSC/KPM/2019 passed by the Sub Inspector of Police, Land Grabbing Cell Sub Division, Kancheepuram District, office of the District Crime Branch, Kancheepuram, the third respondent herein and quash the same and direct the respondents 1 to 3 to restore the complaint and register an FIR and deal with the accused involved in the matter against the respondents 4 to 6.

2. It is stated that the petitioner filed a complaint against the respondents 4 to 6 alleging that they illegally sold the property of the petitioner in collusion with TIIC.

3. The learned Additional Public Prosecutor appearing for respondents 1 to 3 submitted that on the complaint given by the petitioner, enquiry had been conducted and it was found that already there are civil suits pending before the Civil Court with regard to the property in question and therefore the same has been closed as the dispute is purely of civil in nature.

4. Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 3.

5. This petition has been filed by the petitioner before the third respondent police for various offence of forgery, cheating, falsification of documents etc., It is the contention of the petitioner that the petitioner's land has been falsely dealt with by using the documents submitted by him and therefore complaint has to be registered against the respondents 4 to 6. The third respondent police enquired both sides and referred the parties to approach the Civil Court by order dated 17.12.2020. It is referred that O.S.No.245 of 1999 filed by Balasingam @ N.Govindarajan was allowed and O.S.No.198 of 2012 filed by one Kalyani against the present petitioner is also pending. Infact



O.S.No.137 of 2008 filed by the petitioner against Balasingam @ N.Govindarajan was dismissed. As per the impugned order dated 17.12.2020, when there are Civil disputes between the parties, the order directing the parties to approach the Civil Court is well balanced and it does not require any interference. Accordingly, this Court finds no merits and the writ petition stands dismissed. It is open to the petitioner to proceed as per the law to establish his rights.

6. At this stage the learned counsel for the petitioner submitted that there should be a direction to conduct enquiry and file a final report.

7. This Court is of the view that such a blanket direction cannot be granted. Even for registering the FIR, proper procedure to be followed as per provisions under Section 154 of Cr.P.C. or under Section 156 of Cr.P.C. or file a private complaint under Section 200 Cr.P.C. As a matter of right one cannot demand the Constitution Court to register the FIR. The practice of direction to register the FIR is highly deprecated in many judgments not only by this Court but by Apex Court. The Hon'ble Supreme Court in its latest judgment rendered by a three Judge Bench in M.Subramaniam v. S.Janaki, reported in (2020) 5 CTC 464, has held that if a person has grievance that the police is not registering his FIR under Section 154 of Cr.P.C then he can approach the Superintendent of Police under Section 154(3) of Cr.P.C. by an application in writing and not to approach High Court under Article 226 of the Constitution of India. Such view of the matter, the direction to register the FIR sought by the petitioner is not maintainable.

8. With the above observation the writ petition stands dismissed. No costs. Consequently connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

dpq

To

1.The Superintendent of Police
O/o.The Superintendent of Police
Kancheepuram District,
Kancheepuram.



2.The Inspector of Police
Land Grabbing Cell,
O/o.District Crime Branch
Kancheepuram District,
Kancheepuram.

3.The Sub Inspector of Police
Land Grabbing Cell,
O/o.District Crime Branch
Kancheepuram District,
Kancheepuram.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Ashok Kumar, Advocate Sr.No.32464

W.P.No.11126 of 2022
and WMP.Nos.10713 & 10715 of 2022

SJ(CO)
RVM(01/07/2022)