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Crl.O.P No.28781 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **23.11.2022**

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.28781 of 2022

1.A.Jasper New Prabhu
2.J.John Felix

... Petitioners

Vs.

1. The Superintendent of Police,
Chengalpattu District.

2. The State rep. by the
Inspector of Police,
Anti Land Grabbing Cell,
Chengalpattu District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the second respondent to registered the FIR pursuant to the order of the learned Judicial Magistrate No.II, Chengalpattu in Crl.M.P. No.5201 of 2022 dated 16.06.2022.

For Petitioner : Mr.J.Franklin

For Respondents : Mr. S.Santhosh
Government Advocate (Crl.side)



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ORDER

This Criminal Original Petition has been filed to direct the second respondent to register the FIR pursuant to the order of the learned Judicial Magistrate No.II, Chengalpattu in Crl.M.P. No.5201 of 2022 dated 16.06.2022.

2. The petitioner has filed a petition under Section 156(3) Cr.P.C. before the Judicial Magistrate, II, Chengalpattu for registering a case against the accused by alleging that the accused had trespassed into his land, broken the lock and iron gate, electricity board and common well. In view of that an order has been passed by the learned Judicial Magistrate No.II, Chengalpattu on 16.06.2022 in Crl.M.P. No.5201/2022 by observing that *prima facie* case has been made out and directed the concerned Station House Officer to conduct a preliminary enquiry and then investigate the case.

3. It is seen that enquiry has been conducted in compliance with the order of the learned Judicial Magistrate No.II, Chengalpattu dated 16.06.2022 in Crl.M.P. No.5201/2022 and a report has been filed by the



second respondent stating that the case is civil in nature and no offence of land grabbing is seen to have been committed.

4. However, the second respondent is obliged to issue closure notice to the petitioner. On receiving the same, the petitioner is at liberty to either file a protest petition or initiate proceedings under Section 156(3) or 200 Cr.P.C. before appropriate forum.

5. With the above observation, this Criminal Original Petition is disposed.

23.11.2022

Index : Yes/No
Speaking Order : Yes / No
bkn

To:

1. The Superintendent of Police,
Chengalpattu District.
2. The State rep. by the
Inspector of Police,
Anti Land Grabbing Cell,
Chengalpattu District.
3. The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.,

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