



Crl.OP.No.31207 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 19.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31207 of 2022

N.P.Karunakaran

... Petitioner

Vs.

1. State rep by its
The Inspector of Police,
Land Grabbing Special Cell,
Salem District.

2. Prabakaran

3. RPS Kandasamy

4. S.Paramasivam

5. E.Kalaiselvi

6. Rajagopal

7. G.Ajith

8. R.Palaniyappan

9. Dr.K.G.Kandasamy

... Respondents



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PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the learned Special Judge for Land Grabbing Cases, Judicial Magistrate No.5, Salem to taken on file of the petitioner's complaint vide Crl.M.P.Sr.No.1438 of 2022 which was returned on 16.11.2022.

For Petitioner : Mr.B.Thirumalai

For R1 : Mr.S.Santhosh
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed seeking direction to the learned Special Judge for Land Grabbing Cases, Judicial Magistrate No.5, Salem to taken on file of the petitioner's complaint vide Crl.M.P.Sr.No.1438 of 2022 which was returned on 16.11.2022.

2. The learned counsel for the petitioner submitted that after compliance of the procedures under Section 154 of Cr.P.C, the respondent police failed to register the FIR. Thereafter, the petitioner filed a complaint under Section 156(3) before the learned Special Court for Land Grabbing Cases, Judicial Magistrate No.5, Salem, however, the same was returned by the learned Judge on 10.11.2022 stating that the issue involved in this case is civil in nature and



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civil suit is also pending in this regard. Again the petitioner represented the complaint stating the reason for the maintainability of the complaint given under Section 156(3) of Cr.P.C., Thereafter, no order was passed. Therefore, the present petition is filed.

4. In the light of the submissions, learned Judicial Magistrate No.5, Salem is directed to pass orders on the maintainability of the petition under Section 156(3) of Cr.P.C., in the manner known to law within a period of two weeks from the date of receipt of copy of this order. Accordingly, this Criminal Original Petition is disposed of.

19.12.2022

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
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G.CHANDRASEKHARAN,J.

sma

To

1. The learned Special Court for Land Grabbing cases,
Judicial Magistrate No.5,
Salem.
2. The Inspector of Police,
Land Grabbing Special Cell,
Salem District.
- 3.The Public Prosecutor,
Madras High Court.

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