



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.5620 of 2022

Mabubbadusha

...Petitioner

Vs.

The Inspector of Police,
Anti Land Grabbing Special Cell,
City Crime Branch,
Tirunelveli.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent police to register the FIR on the complaint given by the petitioner as per the order passed by the Special Court for land Grabbing Cases Tirunelveli in Crl.M.P.No.31/2022 dated 12.01.2022 and investigate the same in accordance with law.

For Petitioner : Mr.R.J.Karthick
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to direct the respondent police to register the FIR on the complaint given by the petitioner as per the order passed by the Special Court for land Grabbing Cases Tirunelveli in Crl.M.P.No.31/2022 dated 12.01.2022 and investigate the same in accordance with law.

2. The petitioner lodged complaint before the respondent with allegations that the accused persons have conspired together and created forged power of attorney which was registered vide document No.9568 of 2008. Based on the power of attorney the accused persons sold the property in his wife name to the second accused vide sale deed dated 09.08.2021 bearing document No.1068 of 2021. However the respondent did not take any steps to register the same, hence the petitioner was constrained to file a petition under Section 156(3) of Cr.P.C before the Special Court for Land Grabbing Cases, Tirunelveli and the learned Magistrate vide order dated 12.01.2022 directed the respondent police to conduct enquiry to ascertain as to whether information furnished in the complaint reveals any cognizable offence.

3. The learned Additional Public Prosecutor would submit that as directed by the learned Magistrate the respondent police conducted enquiry and closed the same on 16.03.2022 and submitted a report before the learned Magistrate.



4. It is seen that when the magistrate has specifically directed the first respondent to conduct investigation after registration of the First Information Report, as contemplated under Section 156(3) of Cr.P.C., the respondent ought to have registered the First Information Report and concluded the investigation, but the respondent without even registering the First Information Report, simply closed the complaint.

5. In view of the same the closure report submitted by the respondent is set aside and the respondent is directed to register the First Information Report and complete the investigation and file a final report before the concerned Court within a period of twelve weeks from the date of filing of final report.

6. Accordingly the Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Special Judicial Magistrate,
Special Court for Land Grabbing Cases,
Tirunelveli

2.The Inspector of Police,
Anti Land Grabbing Special Cell,
City Crime Branch,
Tirunelveli.

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

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-15233[F] dated 30/03/2022)

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