



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2022

CORAM:

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

Cr1.O.P.(MD) Nos.6114 and 6423 of 2022

WEB COPY

P.K.Abdul Khadar ...Petitioner in both petitions

Vs.

1. The Superintendent of Police,
Thanjavur District,
Thanjavur.

2. The Inspector of Police,
District Crime Branch,
Thanjavur District.
(Crime No.11/2018)

3. The Inspector of Police,
CBCID,
Thanjavur.

...Respondents in both petitions

PRAYER in Cr1.O.P(MD) No.6114 of 2022 : Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 1st respondent to transfer the investigation in Crime No. 11 of 2018 on the file of the 2nd respondent police to the 3rd respondent, the Inspector of Police, CBCID, Thanjavur.

PRAYER in Cr1.O.P(MD) No.6423 of 2022 : Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 1st respondent for re investigation in Crime No.11 of 2018 on the file of the second respondent police by the third respondent and to file a report after reinvestigation before the concerned Judicial Magistrate Court within the time stipulated by this Court.

(In both petitions)

For Petitioner : Mr.B.Anandan

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

COMMON ORDER

These petitions have been filed to direct the first respondent to transfer the investigation in Crime No. 11 of 2018 on the file of the second respondent police to the third respondent, the



Inspector of Police, CBCID, Thanjavur and direct the first respondent for re investigation in Crime No.11 of 2018 on the file of the second respondent police by the third respondent and to file a report after reinvestigation before the concerned Judicial Magistrate Court within the time stipulated by this Court.

WEB COPY

2. The learned Additional Public Prosecutor would submit that the respondent police completed investigation in Crime No.11 of 2018 and closed the same as 'Further Action Dropped' and also filed final report before the learned District Munsif cum Judicial Magistrate, Papanasam and the petitioner was also served with RCS notice No. 12 of 2022 on 28.12.2022.

3. The learned counsel for the petitioner would submit that the second respondent has registered a case in Crime No.11 of 2018 for the offences under Sections 406, 465, 467, 468, 471 and 420 of IPC. The second respondent failed to proceed for further investigation. In the meanwhile the accused persons have approached this Court in CrI.O.P(MD) No.22813 of 2018 to quash the First Information Report. While pending this petition no investigation was conducted and the second respondent did not proceed with the investigation, however insisted the original complainant to be present for enquiry. It is also seen that the original owners of the property in dispute are in abroad and the defacto complainant is none other than the original owner's son -in-law who appeared for investigation as power of attorney. The second respondent closed the First Information Report for the reason as further action dropped and recorded that the original land owner failed to appear and failed to produce the original document of the subject land.

4. As stated supra, the defacto complainant is none other than the power of attorney of the original land owner and now ready to produce the original document on behalf of the original land owner. Further now the quash petition also closed in view of the closure report filed by the second respondent herein. Now no investigation is pending on the file of the second respondent and as such transfer of investigation does not arise. However the petitioner is at liberty to file a protest petition before the concerned jurisdictional magistrate on the closure report submitted by the second respondent within a period of two weeks from the date of receipt of a copy of this order. The learned District Munsif cum Judicial Magistrate, Papanasam is directed to consider the protest petition as observed by this Court and pass appropriate orders on merits and in accordance with law on the protest petition. If the petitioner succeeds in the protest petition, the second respondent is directed to permit the petitioner to produce the original documents in respect of the subject land and proceed with the



investigation in accordance with law.

5. With the above direction, these Criminal Original Petitions stand disposed of.

Sd/-

Assistant Registrar (CRL side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

aav

To

- 1.The District Munsif cum Judicial Magistrate,
Papanasam, Thanjavur District.
2. The Superintendent of Police,
Thanjavur District,
Thanjavur.
3. The Inspector of Police,
District Crime Branch,
Thanjavur District.
4. The Inspector of Police,
CBCID,
Thanjavur.
- 5.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

Cr1.O.P.(MD) Nos.6114 and 6423 of 2022
05.04.2022

RD(18.04.2022) 3P 6C