



W.P.No.353 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 23.01.2023**

**CORAM:**

**THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN**

**W.P.No.353 of 2023**

A.Radhakrishnan

...

Petitioner

**Vs.**

1.The Commissioner of Police,  
O/o The Commissioner of Police,  
EVK Sampath Road, Vepery, Chennai – 7.

2.The Commissionerate of Tambaram,  
O/o The Commissioner of Police,  
Armed Reserve Madambakkam, Selaiyur,  
Tambaram, Chennai – 126.

3.The Inspector of Police,  
District Crime Branch,  
Office of Superintendent of Police,  
Collectorate Campus, Kancheepuram District.

4.The Inspector of Police,  
Central Crime Branch Team – 16A,  
Anti-Land Grabbing Special Team – 1,  
Vepery Chennai – 7

5.The Inspector of Police,  
EDF Team, Central Crime Branch,  
Commissionerate of Tambaram,  
Sholinganallur Chennai – 119.

6.J.Jayakrishnan

...

Respondents



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**PRAYER:** Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the entire records relating to the impugned proceedings in Rc.No.1050/DC CCB/COP(T) TBM/2022 dated 13/12/2022 based on the complaint of Respondent – 6 now pending on the file of the Respondent – 5 and quash the same as illegal.

For Petitioner : Mr.M.Vimal B.Crimson

For Respondent : Mr.S.Santhosh  
Nos. 1 to 5 Government Advocate (Crl. Side)

### **ORDER**

This Writ Petition is filed to issue a Writ of Certiorari calling for the entire records relating to the impugned proceedings in Rc.No.1050/DC CCB/COP(T) TBM/2022, dated 13/12/2022, based on the complaint of the sixth respondent, now pending on the file of the fifth respondent and quash the same as illegal.

2.The learned counsel for the petitioner submitted that there was an agreement entered into between petitioner and his brother A.Raja on the one hand and one Jayakrishnan/sixth respondent on the other hand with regard to a land to an extent of 6 acres. In pursuance of the said agreement, Jayakrishnan/sixth respondent paid only Rs.10,00,000/-. Documents of the



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land had been handed over to the said Jayakrishnan/sixth respondent.

Subsequently, sale did not go through. Therefore, petitioner filed a suit against the Jayakrishnan/sixth respondent in O.S.No.127 of 2020 for return of the documents. Jayakrishnan/sixth respondent entered appearance in the suit and the suit is pending for filing written statement. Meanwhile, Jayakrishnan/sixth respondent filed complaints against the petitioner before the District Crime Branch, Kancheepuram and CCB, Chennai and now, before the fifth respondent. The complaints given before the District Crime Branch, Kancheepuram and CCB, Chennai had been enquired and closed. Even thereafter, sixth respondent has been giving various complaints. Therefore this petition.

3.In response, the learned Government Advocate (Crl.Side) submitted that Jayakrishnan/sixth respondent had given a complaint that the petitioner and his brother A.Raja had cheated him to the tune of Rs.85,00,000/- on the promise of selling a land. He later found that the land which they promised to sell, did not belong to them. Therefore, he demanded the money back. A.Raja, without paying the money, had made criminal intimidation stating that he has police, muscle and men power and threatened him. On the basis of his complaint, enquiry is pending in C.No.466 of 2022.



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4.Considered the rival submissions and perused the records.

5.It is seen from the submissions made by the learned counsel appearing for the parties and perusal of the records that there was an agreement between sixth respondent, petitioner and his brother with regard to purchase of the land. In connection with the purchase of land, amount was said to have been paid by the sixth respondent. It is also seen that a civil suit for return of the documents filed by the petitioner is pending. It is claimed by petitioner that the earlier complaints given before the District Crime Branch, Kancheepuram and CCB, Chennai have also been closed.

6.Taking into consideration the fact that already a civil dispute is pending, and in view of the pendency of the enquiry in C.No.466 of 2022, this Court directs the fifth respondent to proceed with the enquiry in the manner known to law and pass appropriate orders.

7.Accordingly, this Writ Petition is disposed of. No Costs.

**23.01.2023**

sli

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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To:

WEB COPY

- 1.The Commissioner of Police,  
O/o The Commissioner of Police,  
EVK Sampath Road, Vepery, Chennai – 7.
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O/o The Commissioner of Police,  
Armed Reserve Madambakkam, Selaiyur,  
Tambaram, Chennai – 126.
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- 5.The Inspector of Police,  
EDF Team, Central Crime Branch,  
Commissionerate of Tambaram,  
Sholinganallur Chennai – 119.
- 6.The Public Prosecutor,  
High Court of Madras.



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**G.CHANDRASEKHARAN, J.**  
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