



Crl.R.C.No.413 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2023

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

Crl.R.C.No.413 of 2023

Latha

... Petitioner

Vs.

1. Durga,
Inspector of Police,
Anti-Land Grabbing Wing,
Cuddalore District,
Cuddalore.

2. Sridhar

3. Govindharasu

4. Varadarajan

5. Poomalai

6. Kumarasamy

... Respondents

Prayer: The Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C. to set aside the order passed by the Special Magistrate for Land Grabbing Cases at Cuddalore in unnumbered Crl.M.P.No.of 2022, dated 06.12.2022 in Crl.M.P.No.50 of 2022 is unjust and illegal and consequently directing the respondent Police to register the First Information Report based on the complaint of the petitioner, dated 02.05.2022.

For Petitioner : Mr.M.Velmurugan

For 1st Respondent : Mr.V.Mageswaran,
Government Advocate (Crl. Side)



Crl.R.C.No.413 of 2023

ORDER

This Criminal Revision has been preferred to set aside the order passed by the Special Magistrate for Land Grabbing cases at Cuddalore in unnumbered C.M.P.No.of 2022 in Crl.M.P.No.50 of 2022, dated 06.12.2022 and for a consequential direction to the respondent Police to register FIR based on the complaint made by the petitioner, dated 02.05.2022

2. The learned Government Advocate (Clr. Side) takes notice for the 1st respondent. By consent of both side, this Criminal Revision case is taken up for final disposal at the admission stage itself.

3. The petitioner is the complainant who has filed a petition before the learned Special Judicial Magistrate, Special Court for Exclusive trial of Land Grabbing Cases, Cuddalore of Land Grabbing Cuddalore, seeking to forward the complaint made by the petitioner dated 02.05.2022 and register a case. The petition has been taken on file in Crl.M.P.No.50 of 2022 and on consideration of the submission made by both side, an order has been passed on 05.08.2022 by directing the respondent Police to register an FIR,



if needed. After forwarding the said complaint, the respondent Police made an enquiry and submitted a report by stating that the case has been closed as mistake of fact. The objection filed by the petitioner was returned on 06.12.2022 by passing the following order:

“In this case as per direction of this Hon'ble Court investigation done by the Inspector of Police, ALGSC and report filed on 20.09.2022 in Crl.M.P.No.50 of 2022 is closed on 23.11.2022. Hence, how this petitioner is maintainable is to be explained, hence returned.

Hence returned.”

4. Aggrieved over the said order, the petitioner has filed this present revision.

5. The learned counsel for the petitioner submitted that in fact the petitioner was given liberty to file objection by this Court vide its order dated 13.10.2022 made in Crl.O.P.No.24675 of 2022. The said Criminal Original Petition was filed by the very same petitioner for seeking direction to register



Crl.R.C.No.413 of 2023

FIR. But the said relief was not granted by this Court. However, the petition was closed with liberty to the petitioner to approach the Judicial Magistrate, for seeking appropriate remedy. In pursuance to that the petitioner had filed his objection by way of filing protest application. In such case, the learned Magistrate ought to have received the protest petition and pass any order on the same in accordance with law. Since the Magistrate had simply returned the protest petition, taking into consideration of the said fact, I feel it is appropriate to set aside the order, dated 06.12.2022 and accordingly the same is set aside. The Special Magistrate for Land Grabbing Cases at Cuddalore is directed to receive the Protest petition, if it is otherwise in order and pass appropriate orders in accordance with law.

6. With the above observation and direction, this Criminal Revision Case stand allowed.

03.03.2023

Index: Yes/No
Speaking order/Non speaking order
vum



Crl.R.C.No.413 of 2023

To

WEB COPY

1. The Special Magistrate for Land Grabbing Cases,
Cuddalore.
2. The Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY



Crl.R.C.No.413 of 2023

R.N.MANJULA,J.

vum

Crl.R.C.No.413 of 2023

03.03.2023