



Crl.O.P.No.6839 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.03.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.6839 of 2023

Padma Ragavan

...Petitioner

Vs.

1. N.Vasanth
2. N.Thiyagarajan
3. A.Mahalakshmi
4. Pushpa
5. V.Maheshwari
6. V.Saravanan
7. N.Santha
8. S.Kavitha

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judicial Magistrate No.II, Sankari, to entertain the Private Complaint filed by the Petitioner in CFR No.1775 of 2022 in Unnumbered C.C.No.. of 2022 in the manner known to law by appreciating the above stated facts and circumstances.

For Petitioner : Mr.M.Guruprasad

ORDER



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This Criminal Original Petition has been filed directing the learned Judicial Magistrate No.II, Sankari, to entertain the Private Complaint filed by the Petitioner in CFR No.1775 of 2022 in Unnumbered C.C.No.. of 2022 in the manner known to law by appreciating the above stated facts and circumstances.

2. The learned counsel for the petitioner submitted that the petitioner filed a private complaint against the accused for the offences under Sections 34, 120(B), 406, 416 and 420 of IPC on the file of the learned Judicial Magistrate No.II, Sankari. This complaint was returned stating that “the offences had not taken place within the jurisdiction of the Court. Hence, the complaint may be presented before the Land Grabbing Court, Salem or appropriate Court”.

3. The gist of the complaint is that the accused had created and fabricated the documents and committed impersonation in respect of the petitioner's property. The first accused executed a Power of Attorney in



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favour of one V.Jayabalan, on 16.04.2008 vide Document No.342 of 2008.

Thereafter, the Power of Attorney, V.Jayabalan died on 05.12.2010. The first accused failed to cancel the Power of Attorney deed. Fifth accused using one impersonator and using the Power of Attorney deed executed by the first accused in favour of the said V.Jayabalan, had sold the property in favour of the 7th accused namely, N.Santha.

4. When it is stated in the return that there is a Special Court constituted at Salem District, in connection with land grabbing cases, it is just and appropriate that the complaint ought to have been filed before the Court constituted for trying land grabbing cases.

5. Therefore, this Court directs the petitioner to present the complaint before the Special Court for Land Grabbing cases. On such filing of the complaint, the learned Judicial Magistrate for land grabbing cases is directed to pass appropriate orders, in the manner known to law.



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6. Accordingly, this Criminal Original Petition is disposed of.

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Index: Yes/No

Speaking Order: Yes/No

G.CHANDRASEKHARAN.J.,

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