



WEB COPY



Writ Petition No.26335 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No. 26335 of 2023

and

W.M.P.No.25747 of 2023

M.Ragunathan,
Director, M/s.Hariraj Homes Pvt. Ltd.,
having office at Old No.28B, New No.29B,
White House, ABM Avenue, R.A.Puram,
Chennai – 600 028.

...Petitioner

Vs

The Inspector of Police,
V4, Rajamangalam Police Station,
Kolathur, Chennai – 600 099.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records of the impugned undated respondent 'Endorsement' letter to the petitioner and quash the same as null and void, arbitrary, illegal and without jurisdiction.

For Petitioner : Mr.J.Saravana Vel

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



Writ Petition No.26335 of 2023

ORDER

This Writ Petition has been filed challenging the 'Endorsement' letter issued by the respondent refusing to register a First Information Report based on the complaint given by the petitioner on 28.07.2021.

2. Heard Mr.J.Saravana Vel, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondent.

3. Learned counsel for petitioner submitted that the respondent has dealt with the complaint and has virtually declared the right and title over the subject property and the same is being taken advantage by the rival parties and the petitioner has been put to prejudice. Learned counsel submitted that if the respondent was not inclined to entertain the complaint or wants to close the complaint, the same has to be done without making any observation on the right or title over the subject property. If that has been done, the petitioner would have worked his remedy u/s.156(3) Cr.P.C. before the concerned Magistrate. Instead, the respondent had exceeded his jurisdiction and had rendered findings on the title and right over the property.



Writ Petition No.26335 of 2023

4. In the considered view of this Court, the respondent need not have ventured upon deciding the right and title over the property and it is beyond the scope of the complaint. The impunged endorsement letter will confine itself only to the closure of the complaint given by the petitioner and the so called finding that has been rendered will not have any bearing on the rights of either of the parties. If the petitioner is aggrieved by the endorsement letter issued by the respondent, it is left open to the petitioner to work out his remedy u/s.156(3) Cr.P.C. before the concerned Magistrate and proceed further in accordance with law. This clarity given by this Court will sufficiently take care of the interest of the petitioner.

Accordingly, this Writ Petition is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

08.09.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm



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N.ANAND VENKATESH, J.

gm

To

- 1.The Inspector of Police,
V4, Rajamangalam Police Station,
Kolathur, Chennai – 600 099.
- 2.The Public Prosecutor,
High Court, Madras.

Writ Petition No.26335 of 2023

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