



Crl.R.C.No.1866 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1866 of 2023

M.M.Usha

... Petitioner/Complainant

Vs.

- 1.The Commissioner of Police,
Commissioner's Office,
Greater Chennai, Vepery,
Chennai.
- 2.The Assistant Commissioner of Police,
Central Crime Branch,
Commissioner's Office,
Chennai.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Kanchipuram District.
- 4.The Inspector of Police,
Madipakkam Police Station,
Chennai.

... Respondents



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PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to set aside the impugned order dated 16.06.2023 in Crl.M.P(SR).No.3163 of 2023 passed by the learned Judicial Magistrate-II at Alandur, consequentially direct the learned Judicial Magistrate-II at Alandur to take the petitioner's complaint on file and adjudicate the same in accordance with law.

For Petitioner : Mr.Thangavadhanabalakrishnan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed to set aside the impugned order dated 16.06.2023 in Crl.M.P(SR).No.3163 of 2023 passed by the learned Judicial Magistrate No.II, Alandur and for a consequential direction to the learned Judicial Magistrate No.II, Alandur to take the petitioner's complaint on file and adjudicate the same in accordance with law.

2.The petitioner, a widow lady aged about 72 years has filed a petition under Section 156(3) Cr.P.C. seeking a direction to the second



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respondent/CCB to register the complaint dated 22.09.2021 filed by her. The learned Judicial Magistrate No.II, Alandur after some enquiry found that the CCB Police is not within the jurisdiction of the said Court and the complaint was returned.

3.The contention of the petitioner is that the petitioner's father-in-law Mr.Kutty Krishna Nair purchased 4 grounds of vacant land bearing Plot No.266 and 302, 6th Main Road, Sadasivam Nagar, Madipakkam Village, Alandur Taluk measuring 9120 Sq.ft. In Survey No.101, Old Paimash No.10, vide Document No.2603/1961 dated 06.11.1961 in the name of petitioner's husband Late.K.V.Parameshwara Das, when he was a minor and the said original document is with the petitioner. Till the death of her husband in the year 1995, she was in possession and enjoyment of the property. After her husband passed away, the petitioner started residing at Kerala. Thereafter, in the year 2015, the petitioner intended to develop the property and applied for encumbrance certificate. At that time, she came to



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know that forged documents have been created and encumbrance has been created to the property. She immediately approached concern SRO, who advised to lodge a complaint. Hence, she lodged a complaint on 13.09.2016 and the same was received by the Inspector of Police, Madipakkam Police Station in CSR No.473/2016. Thereafter no action taken. She also filed a civil suit in O.S.No.566 of 2016, which is pending before the learned District Munsif, Alandur. This suit is for declaration and to cancel the third party sale deed as null and void. When the petitioner was taking such steps to retrieve her property, she was threatened and criminally intimidated by one S.Ramesh, Gopinath, K.P.Panneer Pandian, R.Raj Bharath and their representatives, who encroached the petitioner's property and created forged documents. Hence, for the inaction of the fourth respondent police, on 11.10.2018, she gave a complaint to the third respondent. Thereafter too, no action taken.



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3.1.The further contention of the petitioner is that the encumbrances created in the petitioner's property would attracts offence under Sections 120A, 428, 423, 441 and 506(i) of IPC and offence of forgery and using forged documents would fall under Sections 467, 468 and 471 of IPC. The petitioner came to know that M/s.Lakshmi Builders had put up a banner in her property and without any right constructed Apartments and sold them to third party buyers. The petitioner being a widow and senior citizen was unable to fight with M/s.Lakshmi Builders, who are influential with money and muscle power. The respondent police were acting in tantum with others and also forcing the petitioner to withdraw the complaint. No worthwhile action taken after assigning CSR. Hence, the petitioner approached the Court and filed a petition under Section 156(3) of Cr.P.C. The Trial Court on the submissions and perusal of the records found that it lacks jurisdiction under Section 190 of Cr.P.C., since the CCB does not come



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within the jurisdiction of the Judicial Magistrate Court-II, Alandur. Hence advised the petitioner to lodge a complaint before the concerned Court.

4.The learned Additional Public Prosecutor submitted that CCB comes within the jurisdiction of Special Metropolitan Magistrate Court for CCB and CBCID cases, Egmore, Chennai.

5.The learned counsel for the petitioner submitted that Section 156(3) Cr.P.C. petition with the endorsement returned to the petitioner and it is with the petitioner now.

6. Considering the submissions made and on perusal of the material it is seen that the learned Judicial Magistrate No.II, Alandur instead of returning the petition to the petitioner, could have transmitted the bundle to the concerned jurisdictional Court, which would have been appropriate. In this case it is not done so. The petitioner to approach the appropriate Court and seek legal remedy.



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7. In view of the same, this Court directs the petitioner to submit the petition and documents returned by the learned Judicial Magistrate No.II, Alandur to the concerned jurisdictional Court and the concerned Court is directed to receive the same, take it on file and dispose of the case on its own merits. If cognizable offence is made out, the same to be considered with a direction to the investigating agency to take swift and stern action against the offenders and to complete the investigation within a stipulated period.

8. With the above directions, this Criminal Revision Case is disposed of.

08.11.2023

Speaking order/ Non-speaking order

Index: Yes/No

Internet: Yes/No

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M.NIRMAL KUMAR, J.

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To

- 1.The Commissioner of Police,
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Greater Chennai, Vepery,
Chennai.
- 2.The Assistant Commissioner of Police,
Central Crime Branch,
Commissioner's Office, Chennai.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Kanchipuram District.
- 4.The Inspector of Police,
Madipakkam Police Station,
Chennai.
- 5.The Judicial Magistrate No.II,
Alandur.
- 6.The Public Prosecutor,
High Court, Madras.

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