



Crl.O.P.(MD) No.3874 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.03.2023**

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CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.3874 of 2023
and Crl.M.P.(MD).No.3429 of 2023

K.R.Raja

... Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District.

2.The State rep. by
The Inspector of Police,
District Crime Branch,
Sivagangai District.

3.P.P.V.Annamalai

4.P.P.V.Panchatcharam

5.P.P.V.Subbaiah

6.P.P.V.Velayutham

7.Sankaran

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, directing the respondents 1 and 2 to conduct further investigation and to forward a further report regarding the aforesaid witnesses and documents to the file of the Judicial Magistrate No.II, Sivagangai in C.C.No.33 of 2015.



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For Petitioners : Mr.G.Prabhu Rajadurai
For R1 & R2 : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking direction to the respondents 1 and 2 to conduct further investigation and to forward a further report regarding the aforesaid witnesses and documents to the file of the Judicial Magistrate No.II, Sivagangai in C.C.No.33 of 2015.

2.The facts in brief:

The complainant is an Advocate by profession and also doing contract and Real Estate Business. He became the power of attorney of the legal heirs of the original owner through document No. 406 of 2009. The accused Nos.1 to 5 criminally conspired, colluded and created a fake SLR and also obtained title document. The above said fake document was created by the 5th accused at the instigation of accused Nos.1 to 4. As a reward, the accused Nos.1 to 4 executed a sale deed for 2400 sq. feet. in favour of the 5th accused. Similarly, they also gave consent for giving 2.26 acres to the Government for its use. They also sold 25 cents in favour of Tamil Nadu Civil Supplies Corporation. They misappropriated the above said amount. This is the final report that was filed by the respondent after completing the investigation process



before the trial Court and was taken cognizance in C.C.No. 33 of 2015.

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3.The trial commenced and this petitioner was examined in chief in 22.01.2019. Later posted for cross examination. In the meantime, he filed this petition before this Court on 22.02.2023, seeking further investigation on the ground that before filing of the complaint, he obtained the information from the Principal Secretary / Commissioner of Land Survey, Chennai, regarding the SLR extract shown by the respondents 3 to 7. On that basis, clarification was sought from the Collector Office, Sivagangai. Verification was made by the District Collector, Sivagangai and Commissioner of Land Survey at Chennai informed that the SLR is not available and the pymash number mentioned in the SLR is relating to Survey Number 141/5. So this shows that the pymash number mentioned in the SLR does not matched with the subject matter of S.No.141/3. Thereafter, only by the communication, dated 01.03.2012, he was informed that the SLR is a forged one. But in the final report, the officials from the Survey and Settlement Department were not shown as witnesses. So on that ground, he sent a representation on 25.01.2023. But, even after that there was no proper action. Therefore, on that ground this petition has been filed for further investigation to examine the above said witnesses and collecting the



documents.

4.Heard both sides.

5.As I mentioned earlier, it is the case of the prosecution that the SLR pertaining to the property has been forged by the 5th accused, now, who is shown as 7th respondent herein at the instigation and in furtherance of conspiracy hatched between him and the accused Nos.1 to 4 namely respondents 3 to 6. The petitioner was examined in chief. When he about to be cross examined by the accused, this petition came to be filed on the ground that the officials from the Survey and Settlement of Lands Department, are not examined as witnesses by the Investigating Officer and the relevant correspondence were also not recovered. The question which arises for consideration is, whether for this purpose further investigation can be ordered.

6.As mentioned above, the crime is of the year 2012. Final report was filed in the year 2015. Now, it is pending without any progress for about 8 years. The lapse and inaction on the part of the petitioner to immediately take steps has to be taken into account. If the petitioner wants those witnesses to be examined and further documents to be



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3.The Inspector of Police,
District Crime Branch,
Sivagangai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

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