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Criminal Original Petition No.3338 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.3338 of 2024

S.J.Srinivasan

S/o.(Late) S.R.Jayaraman

...Petitioner

Vs

1.The Inspector of Police,
DCB - Anti Land Grabbing Special Cell,
Tiruvallur - 602 001.

2.S.R.Subramaniam

3.R.Sivaramakrishnan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to set aside the order dated 10.01.2024 passed by learned Judicial Magistrate I, Ponneri, in CrI.M.P.No.2634 of 2023 in C.C.No.39 of 2023 and allow the petition and permit the petitioner to prosecute the case in C.C.No.39 of 2023 on the file of the learned Judicial Magistrate Court I, Ponneri.

For Petitioner : Mr.S.J.Srinivasan, Party-in-Person



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For Respondents : Mr.A.Damodaran

Additional Public Prosecutor [R1]

ORDER

This Criminal Original Petition has been filed challenging the order passed by the Court below in CrI.M.P.No.2634 of 2023 dismissing the application filed by the petitioner u/s.302 Cr.P.C. where the petitioner had requested for conducting the prosecution in this case.

2. The case of the petitioner is that there was a fraudulent registration of temple lands by the accused persons claiming that they are the hereditary trustees of the temple. Thereby, they had managed to create documents. The petitioner made a complaint in this regard and only due to the continuous follow up of the petitioner, the enquiry was conducted by the Inspector General of Registration and ultimately, it was found that there was fraudulent registration of documents pertaining to temple lands and therefore, a direction was given to the Sub-Registrar, Ponneri, to give a complaint and to proceed further u/s.83 of the Registration Act. Accordingly,



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a complaint was given and a First Information Report came to be registered in Crime No.488 of 2018 on 18.10.2018 for offences u/s.420, 465, 468, 471 IPC r/w 82(a)(d) of the Registration Act.

3. The further case of the petitioner is that only because of his regular follow up, the final report came to be filed in the year 2022 and ultimately, the case was taken up only in the year 2023 on file. Hence, the petitioner, who is well-versed with the facts of the case and since he was following up the case right from the beginning, wanted to conduct the prosecution. Accordingly, the petitioner filed an application u/s.302 Cr.P.C. The Court below, on considering the facts and circumstances of the case and on considering the fact that the complainant in the case was the Sub-Registrar, permitted the petitioner to assist the prosecution u/s.301(2) Cr.P.C. Aggrieved by the same, the present petition has been filed before this Court.

4. Heard Mr.S.J.Srinivasan, Party-in-Person and Mr.A.Damodaran,



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learned Additional Public Prosecutor appearing for first respondent.

5. In the considered view of this Court, the petitioner may be evincing interest in prosecuting the accused persons, who were involved in creating fraudulent documents pertaining to the temple lands. However, the complaint was given by the Sub-Registrar and the prosecution is being handled by the Public Prosecutor before the concerned Court. Hence, it will be more appropriate if the petitioner is allowed to assist the prosecution. The petitioner is not ventilating a personal grievance and he is ventilating a public interest in this case since the temple lands were sought to be acquired through fraud. Therefore, the State must be evincing more interest in prosecuting this case since they have to safeguard the temple lands from going into the hands of some private individuals. That apart, the petitioner is also cited as one of the witness (LW-2). In view of the same, the Court below was right in permitting the petitioner to assist the prosecution in this case. Useful reference can be made to the judgment of the Apex Court in ***Rekha Murarka v. The State of West Bengal and***



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another [Crl.A.No.1727 of 2019 arising out of SLP (Crl.) No.7848 of 2019]. This is more so since the petitioner is well acquainted with the facts of the case and therefore, he will effectively assist the prosecution.

6. In the light of the above discussion, this Court is not inclined to interfere with the order passed by the Court below. The Court below shall ensure that the petitioner is permitted to properly assist the prosecution. That apart, the First Information Report is of the year 2018 and therefore, the case has to be completed as expeditiously as possible by the Court below. There are totally 19 witnesses cited in the final report and two accused persons are facing prosecution. Therefore, the Court below shall ensure that entire proceedings are completed within a period of eight (8) months from the date of receipt of a copy of this order.

N.ANAND VENKATESH, J



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This Criminal Original Petition is disposed of in the above terms.

16.02.2024

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

1.The Inspector of Police,
DCB - Anti Land Grabbing Special Cell,
Tiruvallur - 602 001.

2.The Public Prosecutor,
High Court, Madras.

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