



Crl.R.C.No.316 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.R.C.No.316 of 2018 and
Crl.M.P.No.3844 of 2018

N.D.Rukmani

... Petitioner / Complainant

Vs.

1. P.Natarajan
2. M.Muthukumar
3. S.Sivachalam
4. P.Ponnusamy
5. P.Thangavel
6. Sarasaathal
7. Viswanathan
8. C.Narayanasamy
9. C.Rathinasamy
10. Balamani
11. M.Sampath Kumar
12. M.Venkatachalam
13. Vijayamani
14. Selvi
15. Poovathal
16. Padmavathi
17. Easwaramoorthy
18. Palanisamy
19. P.Rajamani
20. P.Subramani



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21. S.Rathinasamy
22. R.Balasubramani
23. Dhanalakshmi
24. Dhanamani
25. Kamalathal
26. V.Sandhiya
27. V.Balakrishnan
28. Vetrivendan
29. K.Krishnamurthy
30. Venkatesan
31. K.Sivakumar
32. N.Gandhimathi
33. Amit Kumar Singh
34. S.Sreemathy
35.A.Bama

... Respondents / Accused

Prayer: Criminal Revision Case filed under Section 397 r/w. 401 of Criminal Procedure Code, to set aside the Orders, dated 03.05.2017 in Crl.M.P.No.1537/2015 in C.C.No.41/2017 on the file of the Chief Judicial Magistrate, Tiruppur.

For Petitioner : Mr.P.M.Duraiswamy

For Respondents
For R26

: Mr.V.K.P.Gowtham

For R29

: Mr.M.Ganesh for
Mr.N.Manoharan

For R1 to R3, R5, R6,
R8, R9, R12 to R17,
R19 to R21, R23 to R25,
R33 to R35, R30 to R32

: No appearance

For R4, R7, R10,
R11, R18, R22 & R27

: Notice unserved



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ORDER

Challenging the Orders, dated 03.05.2017 passed in CrI.M.P.No.1537/2015 in C.C.No.41/2017 by the learned Chief Judicial Magistrate, Tiruppur, the present Criminal Revision is filed by the complainant.

2. The minimum facts required for disposing the present Criminal Revision:

2.1. The petitioner / Complainant lodged a complaint, dated 26.09.2011 with the Superintendent of Police, Tiruppur, with regard to fabrication of a Sale deed and a Patta in respect of his properties by the respondents 3 to 25 and transferring the same to and in favour of the respondents 1 and 2. The said complaint was referred to the Inspector of Police, Anti Land Grabbing Cell, Tiruppur by the Superintendent of Police. The Inspector of Police, in turn conducted an enquiry and closed the complaint as 'mistake of fact' on 29.03.2012.



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2.2. Thereafter, the petitioner filed a petition in Crl.O.P.No.24561/2011 before this Court, seeking a direction to the concerned Police to register an F.I.R. This Court vide its orders dated 02.03.2012 disposed the said Criminal Original Petition by directing the Inspector of Police, Special Cell for Anti Land Grabbing, Tiruppur District, to furnish a copy of the closure report to the revision petitioner.

2.3. Subsequently, the revision petitioner filed Crl.M.P.No.6416//2012 before the Judicial Magistrate, Palladam under Section 156(3) Cr.P.C. to direct the Police to register F.I.R. and investigate. The allegations contained in this petition was similar to the complaint dated 26.09.2011. The learned Judicial Magistrate vide his orders dated 05.10.2012 forwarded the complaint to the Inspector of Police, Special Cell for Anti Land Grabbing, Tiruppur District to investigate the matter. The Inspector of Police after conducting preliminary enquiry, filed a closure report before the Judicial Magistrate.



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2.4. Subsequently, the petitioner's son gave another complaint to the Superintendent of Police, Tiruppur, with the very same allegations found in the earlier complaint dated 26.09.2011 preferred by his mother. He also filed Crl.M.P.No.9487/2013 before this Court for a direction to the Police officials to conduct an enquiry and the same was allowed by this Court on 16.12.2013, by directing the Police officials to enquire the matter. However, the Inspector of Police, Special Cell for Anti Land Grabbing, Tiruppur after conducting enquiry filed another closure report, as against which, the petitioner's son filed a Contempt Petition before this Court in Cont.P.No.643/2014 in Crl.O.P.No.9487/2013. Thereafter, FIR in Crime No.9/2014 was registered on 17.02.2014 by the Special Cell for Anti Land Grabbing, Tiruppur, based on which, the Contempt Petition No.643/2014 was closed.

2.5. Subsequently, this Court directed the transfer of investigation from Special Cell for Anti Land Grabbing to C.B.C.I.D, Coimbatore, vide orders dated 07.04.2014 in Crl.O.P.No.5518 of 2014. Therefore an FIR in Crime No.1/2014 was registered on 23.08.2014 by



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CBCID for the offences punishable under Sections 467, 468, 471, 294(b) & 506 (i) I.P.C. A preliminary enquiry was conducted and a closure report on 17.12.2015 before the Chief Judicial Magistrate, Tiruppur was also filed.

3. Therefore, the present revision petitioner filed a Protest Petition in Crl.M.P.No.1537/2015 and the said petition was allowed and the learned Chief Judicial Magistrate, Tiruppur took cognizance of the offence by observing thus:

"Considering the facts and circumstances, it is ordered that the case be taken on file against the accused A1 to A25 for an alleged offence U/s. 34, 109, 467, 468, 471 I.P.C., and against A3 accused 506 (1) I.P.C., and against A26, for an alleged offence 109 & 167 I.P.C., and against A28 to 32, 34 & 35 for an alleged offence U/s. 34, 109, 166, 167, 217, 218 & 219 I.P.C., For the purpose of process to be issued U/s. 204 of Cr.P.C., for the accused A26, 28 & 32, 34 & 35, the complainant is directed to get sanction from the state Government and to be produced before his Court. Till then, the proceedings U/s. 204 of Cr.P.C., against A26, A28 to 32, 34, 35 is dispensed with.



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The proceedings U/s. 204 Cr.P.C., is ordered against A1 to A25 on payment of process."

4. The learned Chief Judicial Magistrate, Tiruppur also took the case on file in C.C.No.41/2017. Subsequently, the complainant did not appear before the trial Court and therefore, the learned Chief Judicial Magistrate, Tiruppur vide his orders dated 15.03.2022 dismissed the case in C.C.No.41/2017 and acquitted all the accused by discharging them from all the charges framed against them.

5. Since C.C.No.41/2012 itself was dismissed for non prosecution, nothing survives for further adjudication in the present Criminal Revision Case and therefore, the same is dismissed. Consequently, connected miscellaneous petition is closed.

26.04.2024

Index: Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes / No
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R. HEMALATHA, J.

vum

To

1.The Chief Judicial Magistrate, Tiruppur.

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