



CrI.O.P.No.22489 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.22489 of 2022

and

CrI.M.P.No. 14466 of 2022

T.V.Raamalingham
Secretary,
M/s. Shree Natrajan Nagar Plot
Owners Welfare Association,
Perumbakkam.

... Petitioner

Versus

State rep. by
The Assistant Commissioner of Police,
Central Crime Branch,
Anti Land Grabbing Cell,
Chennai.
(X Crime No.411 of 2007)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the
Code of Criminal Procedure, to direct the respondent to conduct further



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investigation and file a supplementary charge sheet in C.C.No.14 of 2013 on the file of Metropolitan Magistrate for Exclusive Trial of Land Grabbing Cases II, Chennai.

For Petitioner : Mr.M.Suresh
For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking a direction directing the respondent to conduct further investigation and file a supplementary charge sheet in C.C. No. 14 of 2013 on the file of Metropolitan Magistrate for the Exclusive Trial of Land Grabbing Cases-II, Chennai.

2. Heard both sides.

3. The petitioner is the Secretary of Plot Owners Association viz., M/s.Shree Natrajan Nagar Plot Owners Welfare Association. According



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to the petitioner, one Ravichandran, who is A1 in this case lodged a complaint before the Commissioner of Police stating that he is owner of property in Survey No.36/7, an extent of 0.28 cents and his brother K.Senathipathy is the owner of properties in Survey Nos. 35/2, 37/1, 37/3B, 38/3, 39/1A, 39/B, 39/3, 39/5, 36/5, 36/5B, 36/2B, a total extent of 2 acres 54 cents and he sold the property to one Balasubramaniam and others. Subsequently, they have sold out the property to the Tamil Nadu Government Servants Cooperative Building Society Ltd. fraudulently and committed impersonation. But, the police registered a case against one N.Balasubramaniam, who is A2 in this case and one Alexander, Ex-President of the said society.

4. After completion of investigation, the respondent police filed a final report stating that the accused 1 Ravichandran and Accused 2 Balasubramaniam for an offence punishable under Sec.419, 420, 467, 468, 471 r/w 465, r/w 120 B I.P.C. and 182 I.P.C. Now, the case is pending for trial. In fact, the plot owners are the victims, who purchased the property from the society with encumbrance, thereby A1 and A2



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colluded with other accused conspired and committed impersonation.

But, the respondent police filed a charge sheet without including the real accused and conspirator. However, one Senathipathy, who is brother of A1 also conspired and involved in the impersonation. Therefore, he prayed to issue a direction directing the police to conduct further investigation and file a supplementary charge sheet.

5. By way of reply, the learned Government Advocate (Criminal side) appearing for 1st respondent has raised strong objections to file a supplementary charge sheet and he prayed to dismiss this petition.

6. On seeing the plaint in the suit in O.S.No.394 of 2007 filed by A1 and his brother Senathipathi, it reveals that till date, the said Senathipathi claimed himself as power of attorney agent of his brother K.S.Ravichandran. Therefore, he is acting as A1's power of attorney holder according to plaint averment. Hence, the involvement of the said Senathipathi is considered to be a conspirator for his involvement in the offence. But, the prosecution has not included him as an accused in



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Crime No.411 of 2007. Therefore, the respondent police is directed to conduct further investigation and file a supplementary charge sheet in respect of involvement of the said person Senathipathi and file a final report within a period of four months from the date of receipt of copy of this order. Accordingly, this Criminal Original Petition is disposed of. Consequently, connected Criminal Miscellaneous Petition is closed.

14.03.2024

Index: Yes/No
Internet: Yes/No
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To

1. The Assistant Commissioner of Police,
Central Crime Branch,
Anti Land Grabbing Cell,
Chennai.
2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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