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CrI.RC.No.1475 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.RC.No.1475 of 2024

P.L.Kumaresan

... Petitioner

Vs.

The Assistant Commissioner of Police,
Office of the Commissioner of Police,
Avadi, Chennai-54.

... Respondent

PRAYER: Criminal Revision is filed under Sections 438 and 422 of BNSS to call for the records pertaining to CrI.M.P.No.1543 of 2024 on the file of the Judicial Magistrate No.1, Poonamallee, dated 03.07.2024 by allowing this revision.

For Petitioner : M/s.K.Balasubramaniam

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

The petitioner as complainant had filed a complaint under Section 156(3) of Cr.P.C seeking a direction directing the respondent to register an FIR against the accused persons, namely, Gnanam @ Thirugnanam, Sundaram, Saravanan and Badhrinathan in Cr.M.P.No.1543 of 2024. The



CrI.RC.No.1475 of 2024

Lower Court by order dated 03.07.2024 dismissed the same. Against which the present revision has been filed.

2. The contention of the petitioner is that the petitioner's father P.N.Loganathan Chettiyar had purchased a property, to an extent of 2616 Sq.ft. of vacant land from Sulochanammal vide Document No.2947/1983, on 02.09.1983. The petitioner's father P.N.Loganathan Chettiyar passed away on 25.04.1986. The said Gnanam @ Thirugnanam, Sundaram, Saravanan and Badhrinathan joined together and created a forged document impersonating petitioner's father and mortgaged the said property in the name of M/s. Amirtha Enterprises and Sarvana Flour Oil Mill at Union Bank of India, SSI Branch, Mogappair, Chennai. On 06.12.2006, the petitioner received a notice from DRT and came to know about the fraud. Thereafter, based on a complaint lodged by the Manager, Union Bank of India, a case was registered by the Inspector of Police, CCB, Chennai in CC.No.14208 of 2008.

3. During the pendency of C.C.No.14208/2008, the impersonators, namely, Gnanam @ Thirugnanam, Sundaram, Saravanan and Badhrinathan



Crl.RC.No.1475 of 2024

entered into a compromise with the Bank and repaid the entire loan amount.

Based on the said compromise, the Criminal Case in C.C.No.14208/2008 and proceedings in O.A.No.247/2004 before the DRT-1, Chennai were closed.

4. After these happenings, an unregistered Will dated 03.09.1985 has been projected as if the petitioner's father had executed the said unregistered Will in favour of his daughter Gnanam, sister of the petitioner and based on this Will the said Gnanam had executed a settlement deed in favour of her husband, Sundaram vide Document No.4015 of 2021 on 30.06.2021. On the strength of the settlement deed, a sale deed has been executed by the said Sundaram in favour of one Manish Solanky vide Document No.7949/2021 on 19.11.2021, on the file of SRO. Villivakkam. On coming to know about the forgery committed by Gnanam and Sundaram, the petitioner had sent a complaint to the respondent police on 28.02.2024 and the same was acknowledged. However, no action was taken on the complaint dated 28.02.2024. Thereafter, the petitioner sent a representation dated 15.03.2024 to the higher officials but once again, no action was taken. Since no action was taken on the petitioner's complaint and representation, he filed a petition in Cr.M.P.No.1543/2024 before the learned Judicial Magistrate No.I,



CrI.RC.No.1475 of 2024

Poonamallee. The Trial Court, by order dated 03.07.2024, dismissed the petition on the ground of jurisdiction.

5. The learned counsel for the petitioner submitted that in RC.No.127/COP/Camp/2019 dated 28.07.2019, the Commissioner of Police, Greater Chennai, had issued a proceeding stating that the First Information Report shall be registered only by the Assistant Commissioner of Police, Central Crime Branch, Chennai. The Avadi Commissionerate is bifurcated from the Greater Chennai Commissionerate. Therefore, the orders passed by the Greater Chennai Commissionerate have to be followed by the Avadi Commissionerate. Hence, the Assistant Commissioner of Police, CCB, Avadi is empowered to register an FIR.

6. The learned Public Prosecutor submitted that the petitioner's complaint was received in C.No.74/2024 on 01.03.2024 by the CCB, Avadi. Thereafter, the petitioner was called for inquiry to produce documents and give statement. Notice was issued to the petitioner on 27.03.2024, asking him to appear before the respondent police on 01.04.2024. Another notice was issued on 02.04.2024, asking him to appear on 05.04.2024. However, the



Crl.RC.No.1475 of 2024

petitioner had failed to respond to the notices. Therefore, on 02.05.2024, the complainant has been closed.

7. The learned Public Prosecutor appearing for the respondent fairly submitted that if the petitioner appears with the relevant documents before the Inspector of Police, CCB LD-2, Avadi, after verification and recording of the statement, if offence is made out, appropriate steps would be taken on the complaint and investigation would be conducted.

8. At this stage, the learned counsel for the petitioner would submit that the petitioner is ready to appear before the Inspector of Police, CCB, LD-2 Avadi on 18.09.2024.

9. Recording the same, the above Criminal Revision Case is disposed of. No costs.

10.09.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(shr)

Note: Issue order copy on 13.09.2024.



Crl.RC.No.1475 of 2024

To
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- 1.The Judicial Magistrate No.1,
Poonamallee
- 2.The Assistant Commissioner of Police,
Office of the Commissioner of Police,
Avadi, Chennai-54.
- 3.The Public Prosecutor, High Court, Madras.
- 4.The Inspector of Police, CCB, LD.2 Avadi,
Chennai



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Crl.RC.No.1475 of 2024

M.NIRMAL KUMAR, J.,

(shr)

Crl.RC.No.1475 of 2024

10.09.2024