



WEB COPY



Crl. O.P. No.22039 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.22039 of 2024

B.Laksmipathi

... Petitioner

Vs.

1 The Commissioner of the Police,
Avadi Commissionerate,
Sathiyamoorthy Nagar,
Poompozhi Nagar, Avadi-62.

2. The Assistant Commissioner of Police,
Redhills Range,
No.1, 172 A, GNT Road, Redhills,
Padiyanallur-52.

3. The Inspector of Police,
M-4, Redhills Police Station,
No.1, 172A, GNT Road,
Redhills, Padiyanallur-52.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS Act to direct the respondent to register the FIR on the petitioner complaint dated 11.04.2023 in pursuant to the order made in CMP.No.2001/2023 passed by the learned Magistrate-II at Ponneri dated 05.06.2023 and investigate the matter and accordance with law.



Crl. O.P. No.22039 of 2024

For Petitioner : Mr.T.Balachandran
For Respondents : Mr. S.Udayakumar
Government Advocate (Crl.Side)
for R1 and R2

ORDER

The petitioner herein being aggrieved by the act of creating fraudulent deed and obtaining patta, which was later cancelled by the Revenue Officials after proper enquiry, has approached the local police for registering the complaint for creating fraudulent document to grab the property, wherein the Survey No.158/4/A1. The police has failed to register the complaint. Hence, the petitioner has approached the learned Judicial Magistrate Court at Ponneri under Section 156(3) of Cr.P.C.

2. The learned Judicial Magistrate-II, Ponneri in CMP.No.2001 of 2023 vide order dated 05.06.2023 has directed the 3rd respondent to enquire the complaint and if any cognizable offence is made out, to register the FIR and investigate as per law. Since no action taken by the respondent police, the present petition is filed.

3. After notice, the learned Government Advocate (Crl.Side) submits that the Investigating Officer has enquired the matter and



Crl. O.P. No.22039 of 2024

reported to the learned Judicial Magistrate that there is no law and order problem in this connection and therefore the FIR not registered.

4. This Court finds that the reasoning for not registering FIR appears to be apparently illegal and improper, when there is a specific allegation of preparing false document.

5. The learned counsel for the petitioner also submits that the suit referred in the report of the respondent does not pertaining to the Survey Number under dispute.

6. The 3rd respondent is hereby directed to withdraw his earlier report and make a proper investigation in this matter and she has to report to the Judicial Magistrate to withdraw his report and make a proper investigation in this matter regarding the alleged making of false documents and file his report within a period of six weeks from today.

7. With the above direction, this Criminal Original Petition is disposed of.

26.09.2024

Vv



Crl. O.P. No.22039 of 2024

To

WEB COPY

1. The Commissioner of the Police,
Avadi Commissionerate,
Sathiyamoorthy Nagar,
Poompozhi Nagar, Avadi-62.
2. The Assistant Commissioner of Police,
Redhills Range,
No.1, 172 A, GNT Road, Redhills,
Padiyanallur-52.
3. The Inspector of Police,
M-4, Redhills Police Station,
No.1, 172A, GNT Road,
Redhills, Padiyanallur-52.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl. O.P. No.22039 of 2024

Dr.G.JAYACHANDRAN,J.

Vv

Crl.OP.No.22039 of 2024

26.09.2024