



Crl.O.P.(MD)No.2067 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.02.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD)No.2067 of 2024

Suryaprakash

... Petitioner

Vs.

1. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2. The Inspector of Police,
District Crime Branch,
Ramanathapuram District.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to set aside the closure report in Crl.M.P. (MD)No.4798 of 2023 dated 18.12.2023 and to register the complaint on the basis of the order passed by the Judicial Magistrate No.II, Ramanathapuram and investigate the matter or any other agency and file a final report within the time prescribed by this Court.



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For Petitioner : Mr.K.Kumaravel

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. side)

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had preferred a complaint under Section 156(3) of Cr.P.C in Crl.M.P. (MD)No.4798 of 2023 before the learned Judicial Magistrate No.II, Ramanathapuram.

2.After due enquiry, the learned Judicial Magistrate No.II, Ramanathapuram, by order dated 03.10.2023 directed the Second Respondent to register a case and conduct the investigation. The learned Counsel for the Petitioner further submitted that even after the said direction, the second Respondent had not registered a case. Therefore, the Petitioner was forced to lodge a complaint to the first Respondent. The first Respondent sent a reply stating that on enquiry by the second Respondent, the persons mentioned in the complaint of the Petitioner had accepted the liability and also paid the amount. Still they had not conducted investigation. The second Respondent had not at all examined the



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Petitioner as de-facto complainant. Therefore, the Petitioner was forced to seek withdrawal of the complaint pending on the file of the second Respondent and to transfer the investigation to any other agency.

3.The learned Government Advocate (Criminal side) on instructions from the Respondent Police submitted that the case had been registered by the second Respondent in Crime No.8 of 2023 in which the Petitioner is arrayed as A-8. After coming to know about the same, the Petitioner had filed a criminal miscellaneous petition before the learned Judicial Magistrate No.II, Ramanathapuram, seeking direction in Crl.M.P.(MD)No. 4798 of 2023. Therefore, with the pending investigation in Crime No.8 of 2023, wherein, the Petitioner is arrayed as A-8, the Petitioner cannot seek such direction against the Respondent Police. Further, the learned Government Advocate (Criminal side) submitted that the Petitioner herein knowing well that other accused are indulged in land grabbing had purchased the property from the persons having no value title or claim on the purchaser. Therefore, the Petitioner was arrayed as A-8.

4.Based on the submission of the learned Government Advocate (Criminal side) that the Petitioner is being arrayed as A-8 in Crime No.8 of 2023, this petition is found to be having no merits.



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5. Hence, this Criminal Original Petition is dismissed.

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Index : Yes/No

Internet: Yes/No

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To

1. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
2. The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.,

jbr

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