



Crl.R.C.(MD)No.784 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.784 of 2024

S.R.Sivanandi

... Petitioner

Vs.

1.The State Rep. by
The Inspector of Police,
Austinpatti Police Station (Thirunagar),
Madurai District.
(Crime No.272 of 2014)

2.Kazhuvai

3.Sivakumar

4.Sivabharathi

5.Mariappan

... Respondents

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 B.N.S.S., to call for the entire records pertaining to the order passed by the learned Judicial Magistrate, Thirumangalam, Madurai District in Cr.M.P.No.3921 of 2023 in C.C.No.309 of 2022 dated 04.04.2024 and set aside the same and consequently direct the first respondent to cause further investigation of the case in Crime No.272 of 2014 pending on his



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file and further direct him to complete the same within the time stipulation as prescribed by this Court.

For Petitioner : Mr.R.Anand

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

ORDER

The Criminal Revision is directed against the order passed in Cr.M.P.No.3921 of 2023 in C.C.No.309 of 2022 dated 04.04.2024 on the file of the Judicial Magistrate, Thirumangalam dismissing the application filed under Section 173(8) Cr.P.C. for ordering further investigation

2. It is evident from the records that on the basis of the complaint lodged by the petitioner, FIR came to be registered in Crime No.272 of 2014 for the alleged offences under Sections 406, 420 and 114 IPC and after completing the investigation, final report came to be filed for the alleged offences under Sections 419, 420, 465, 468, 471 and 120B IPC and the same was taken on file in C.C.No.309 of 2022 and is pending on the file of the Judicial Magistrate, Thirumangalam. Meanwhile, the petitioner has filed a petition under Section 173(8) Cr.P.C. seeking further investigation alleging that the fourth respondent/third accused



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pending investigation has executed a bogus sale deed dated 01.12.2021 on the file of the Sub Registrar, Thiruparankundram in favour of one Radhakrishnan, S/o.Chinna Adakkan, who in turn had executed a mortgage deed in favour of one Thangaraj, S/o.Masanam vide document No.433/2022, that four persons by name Saraswathy, Vimala, Lakshmi and Palaniammal claiming to be the relatives of the accused 1 to 3 in collusion with the said Radhakrishnan and Thangaraj have executed a consent document dated 18.02.2022 on the file of Sub Registrar, Thiruparankundram vide document No.720/2022, that after fully knowing that they are not having any right over the property belonging to the petitioner/defacto complainant, have been creating bogus documents again and again and that therefore the above persons in whose names documents came to be executed ought to be added as accused and for that purpose, further investigation has to be ordered.

3. As already pointed out, FIR came to be registered in 2014 and charge sheet came to be filed in the year 2022. The petitioner has now sought to implead the subsequent transferees.



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4. As rightly contended by the learned Government Advocate (Criminal Side) appearing for the first respondent, if permission sought for by the petitioner for the impleadment of the subsequent transferees is given, then there will be no end for completion of investigation or for completion of trial. The observation of the learned Judicial Magistrate that the occurrence alleged by the petitioner cannot be treated as continuous offence cannot be found fault with. Considering the above, the impugned order dismissing the application cannot be found fault with.

5. At this juncture, the learned counsel appearing for the petitioner would submit that liberty may be given to the petitioner to file another complaint complaining about the subsequent transactions and the police may be directed to complete the investigation and file final report at an early date.

6. In the result, this Criminal Revision Petition is dismissed and the impugned order dated 04.04.2024 stands confirmed. The petitioner is at liberty to file a complaint with regard to the alleged subsequent



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transactions and upon filing of the complaint, the first respondent is directed to consider the same and take a decision as expeditiously as possible.

19.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Judicial Magistrate,
Thirumangalam, Madurai District.
- 2.The Inspector of Police,
Austinpatti Police Station (Thirunagar),
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
CrI.R.C.(MD)No.784 of 2024

Dated: 19.08.2024