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Crl.RC.No.1169 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.1169 of 2023 and

Crl.M.P.No.9137 of 2023

M.R.Sivakumar

... Petitioner

Vs.

1. Inspector of Police

Team-16, CCB

Egmore, Chennai

2. S.Ranga Reddy

... Respondents

Prayer: Criminal Revision Case filed under Section 397 read with Section 401 of Cr.P.C. to call for the records and set aside the same pertaining to order dated 27.12.2022 passed by learned Special Metropolitan Magistrate, Special Court for Exclusive Trial of Land Grabbing Cases-I, Allikulam Campus, Egmore, in Crl.M.P.No.160 of 2022 in Crime No.514 of 2012 on the file of the first respondent.

For Petitioner : Mr.D.Prasanna

For 1st Respondent : Mr.S.Sugendran

Additional Public Prosecutor

For 2nd Respondent : No Appearance



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ORDER

This Criminal Revision Case has been filed by the petitioner to set aside the order dated 27.12.2022 passed by learned Special Metropolitan Magistrate, Special Court for Exclusive Trial of Land Grabbing Cases-I, Allikulam Campus, Egmore, Chennai in Crl.M.P.No.160 of 2022 in Crime No.514 of 2012 on the file of the first respondent.

2. The case of the petitioner is that based on a complaint given by the second respondent, the first respondent police had registered a case against the petitioner and others in Crime No.514 of 2012 for the offence under Sections 420, 465, 467, 468, 471 read with 120(b) and 506 (i) IPC. Pending investigation, the petitioner filed a petition in Crl.O.P No.25926 of 2012 to quash the FIR and this Court by order dated 15.09.2014, quashed the FIR against the petitioner and other accused in batch of cases in Crl.O.P.Nos.25925, 25926 and 26157 of 2012. While being so, on 07.02.2023, the petitioner



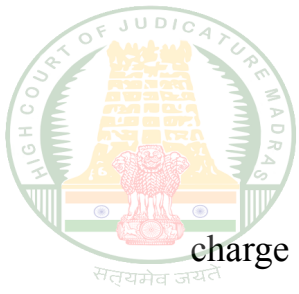
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received a notice from the respondent police calling upon the petitioner for

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enquiry in connection with Crime No.514 of 2012 and subsequently, the petitioner came to know that after quashing of the FIR in Crime No.514 of 2012, the investigating officer closed the complaint as "mistake of fact" and filed a negative report before the Magistrate and on receipt of the same, the Special Metropolitan Magistrate, Special Court for Exclusive Trial of Land Grabbing Cases-I, Allikulam, Egmore, Chennai has issued notice to the defacto complainant. Subsequently, the defacto complainant filed a protest petition in Crl.M.P.No.160 of 2022 and the learned Magistrate after enquiry, allowed the protest petition filed by the defacto complainant and ordered for further investigation. Aggrieved by the same, the present revision is filed.

3. The contention of the petitioner is that the FIR in Crime No.514 of 2012 was already quashed as against the petitioner in the year 2014 itself by the order of this Court dated 15.09.2014 and without adhering to the order of this Court, the respondent police has conducted enquiry and filed negative



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charge sheet. Subsequently, the defacto complainant has filed the protest

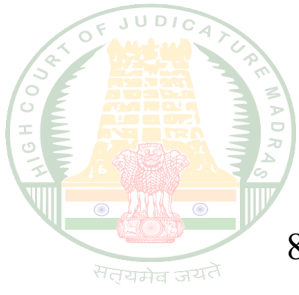
petition. Both the respondent police and the defacto complainant failed to bring the facts to the notice of the Magistrate and therefore, the Magistrate ordered for further investigation.

4. Heard and perused the materials available on record.

5. It is seen that the case in Crime No.514 of 2012 has already been quashed by this Court by order dated 15.09.2014 itself. Therefore, the respondent police has no authority to file a negative final report and the Magistrate has also no authority to give any direction for further investigation.

6. Therefore, the order passed by the Magistrate and also the negative report filed by the Investigating Agency are nothing but abuse of process of law.

7. Hence, the order passed by the Magistrate in Crl.M.P.No.160 of 2022 dated 27.12.2022 is set aside.



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8. Accordingly, this Criminal Revision Case is allowed. Consequently,

the connected Miscellaneous Petition is closed.

11.03.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1. The Special Metropolitan Magistrate,
Special Court for Exclusive Trial of Land Grabbing Cases-I
Allikulam Campus, Egmore, Chennai
2. Inspector of Police
Team-16, CCB
Egmore, Chennai
3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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