
(2026) 08 MAD CK 1265

In the Madras High Court, Madurai Bench

Case No : Crl.OP.(MD)No.10151 of 2024 and Crl.M.P(MD)No.6876 of 2024

K.Ahamed Ibrahim

APPELLANT

Vs

State rep. by Inspector General of Police and Others

RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528
Indian Penal Code, 1860 — Section 457, 380, 147, 120(B), 341

Citation : (2026) 08 MAD CK 1265

Hon'ble Judges : R. Vijayakumar, J

Bench : Single Bench

Advocate : For Petitioner: Mr.K.Ahamed Ibrahim, Party-in-person; For Respondents: Mr.G.Ganesh Kumar, Government Advocate (Crl.side) for R1; Mr.D.Malaichamy for R10; No appearance for R6, R8 and R9; R7 - died; R11 & R12 Await service

Final Decision : Dismissed

Judgement

The present petition has been filed by the defacto complainant in C.C.No. 174 of 2015 on the file of the Judicial Magistrate Court, Uthamapalayam seeking to quash the charge sheet arising out of Crime No.70 of 2014 and to set aside the final report and consequently issue a direction to the first respondent to constitute a Special Investigation Team for further investigation in Crime No. 70 of 2014 on the file of the fourth respondent police station.

2. It could be seen from the records that the defacto complainant / petitioner herein is the tenant of the property and the private respondents herein are the landlords. Due to the landlord tenant dispute, at the instance of the private respondents, an F.I.R was registered as against the petitioner herein in Crime No.51 of 2014 on 14.02.2014 which has culminated in the charge sheet in C.C.No.59 of 2014. A counter case filed by the petitioner in Crime No.53 of 2014 was closed as mistake of fact on 18.02.2014 and the report was filed before the Judicial Magistrate, Uthamapalayam, Theni District.

3. It could be seen from the charge sheet, the petitioner has alleged that on 08.03.2014, the landlords entered into the property, broke open the lock of the door and taken away the jewelleries, household articles and cash. In the said allegation, the petitioner has lodged a complaint on 09.03.2014. Based upon which, an F.I.R was registered in Crime No.70 of 2014. In the said case, a charge sheet was laid in C.C.No.174 of 2015 on 31.10.2014 for the alleged offence under Sections 457 and 380 of I.P.C. The petitioner was not satisfied with the investigation and he had filed Cr.M.P.No.1456 of 2014 seeking further investigation and the same was allowed on 11.07.2023. After further investigation, the present supplementary charge sheet has been laid on 02.02.2024 wherein the respondents/landlords are charged with the offence under Sections 147, 120(b), 380 and 341 of I.P.C.

4. The defacto complainant/tenant submits that he is not satisfied with the final report primarily on the ground that the gold ornaments, educational records and household articles have not been recovered. Therefore, the present application has been filed seeking to quash the said charge sheet and order further investigation through a Special Investigation Agency.

5. According to the party-in-person, the police officials are colluding with the landlords and they have not recovered the valuables that were taken away from the rented building which was occupied by the petitioner herein and therefore, he wants further investigation in the hands of a different authority.

6. Per contra, the learned counsel appearing for the respondent/one of the landlords, had submitted that the petitioner has not furnished any particulars about the articles in the F.I.R. Almost 20 witnesses have been examined, no one has given any evidence. The petitioner has vacated immediately after registration of the F.I.R in Crime No.51 of 2014 and the same is under lock and key of the petitioner and in such circumstances, the allegation that on 08.03.2014 the landlords have entered into the property and committed theft of certain valuables is completely a false case. He relied upon Section 161 Cr.P.C statement recorded during the investigation. He also relied upon the report of the Superintendent of Police wherein it has been recorded that the petitioner herein had already vacated the premise on 14.02.2014 and therefore, the entire case is false one and in such circumstances, the request of the petitioner for further investigation for the second time is not legally sustainable.

7. The learned Government Advocate (Crl.side) appearing for the respondent police submitted that almost 20 witnesses have been examined after orders were passed for further investigation. None of the witnesses have pointed out, about the availability of the jewels or other records. He further stated that based on the complaint dated 09.03.2014, the first charge sheet was laid on 31.10.2014. Thereafter, on the direction of the Judicial Magistrate, further investigation was conducted and supplementary charge sheet was filed on 02.02.2024. Due to the lapse of 10 years, there is no possibility of any recovery from the private respondents/landlords. No proper proof has been given by the petitioner herein

for the alleged theft of valuable household articles and the School records.

8. Heard both sides and perused and material records.

9. In the supplementary charge sheet, which is under challenge, it is specifically pointed out that the household articles mentioned by the petitioner have no specific identity mark whatsoever and in such circumstances, they cannot be traced after a period of 10 years. It has further been pointed out that the landlords have obtained anticipatory bail and in such circumstances, they could not take them on police custody for the purpose of investigation. Therefore, the alleged household articles, School records and valuables could not be recovered from them. It is further pointed out that in the supplementary charge sheet, the petitioner has not produced any photographs or any bills to establish the details of the jewel and in such circumstances, they are not able to recover the same.

10. The petitioner herein had lodged a complaint before the Inspector General of Police, South Zone, Madurai in the month of August 2015 making allegations as against the police officials of the jurisdictional police station. The Inspector General of Police, South Zone had directed the Superintendent of Police, Theni to conduct enquiry and submit a report. A report has been submitted by the Superintendent of Police on 02.02.2024 to the Inspector General of Police. In the said report, it has been pointed out that the petitioner and his wife have vacated the house and shifted to another house in Ambethkar Colony (Cumbum Mettu Colony) taken all their things, immediately after registration of F.I.R in Crime No.51 of 2014 i.e on 14.02.2014. However, the present complaint has been lodged on 09.03.2014 that on 08.03.2014, the landlords have entered into the house and committed theft of gold jewels, cash, School records and household articles. In such circumstances, the contention of the petitioner that recovery has not been effected cannot be countenanced. Further the supplementary charge sheet points out due to the passage of time, they are not able to effect recovery. In such circumstances, the request of the petitioner to quash the supplementary charge sheet and to order further investigation is not legally sustainable.

11. In such view of the matter, there are no merits in the petition and this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.