

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.13951 of 2015

A.Kavitha .. Petitioner

Vs

State rep.by

1. The Inspector of Police,
Pappireddipatti Police Station,
Pappireddipatti,
Dharmapuri District.

2. The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to issue a direction to the respondent to transfer the complaint in FIR No.48 of 2015 of the petitioner to the second respondent from the file of the first respondent and take speedy action on that for the recovery of the stolen articles from the Shop at 1/46A, 1/46B to the extent of 300 Sq.ft and the Bajaj Platinum Motor Cycle bearing Registration No.TN-30-L-6705.

For Petitioner : Mr.M.Srividya

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

Seeking a direction to the respondent police to transfer the complaint in FIR No.48 of 2015 of the petitioner to the second respondent from the file of the first respondent and take speedy action on that for recovery of the stolen articles from Shop at 1/46A, 1/46B to the extent of 300 Sq.ft and the Bajaj Platinum Motor Cycle bearing Registration No.TN-30-L-6705, the petitioner has come up with this petition.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

3.The respondent Police have filed status report, wherein,

it is stated in paragraphs Nos.3 to 5 and 8 as follows:

3.I submit that, on 25.01.2015, the defacto complainant/petitioner by name P.Kavitha preferred a complaint before the respondent Police stated that she is residing at Pappireddipatty Jurisdiction, while so she is running a house hold articles and gift articles shop and Godown for the past 12 years in the name and style of M/s.Viveks Metal Mart & Gift House in Door No.1/46, Rangamapettai, nearby Pappireddipatti Bus Stand on rental basis, She is holding the stock worth about Rs.7 lakhs and also her husband two wheeler worth about Rs.45,000/- while so, on 23.01.2015, the house owner by name Tr.Sukumar and his wife Padmavathi broke open the lock of the shop and looted the articles and absconded on 23.01.2015 at about night hours. Further they have painted it in white colour and the lock and also the complainants shop name board. Hence this complaint,

4.I submit that based on the above said complaint a case was registered by me, Pappireddipetti Police Station in Crime No.48 of 2015 under Sections 448, 427, 379, I.P.C. (N.P.) on 25.01.2015 at about 8.00 hours against Sugumar and Padmavathi for the offence committed by them and took up the case for investigation.

5.I submit that I had visited the scene of occurrence and examined two witnesses by name Tr.G.mani and Tr.Panneerselvam and recorded their staments and they have identified the scene of crime, drew rough sketch and also prepared observation mahazar in the presence of the same witnesses.

8.I submit that on 28.01.2015, I had examined two witnesses by name Tr.Shadiq-E.B Wireman and Tr.Rajalingam-Postman and their statements were recorded. Both of them corroborated that they doesn't know that the said shop is in running condition for the 6 to 8 years, as reading is showing minimum and also there is no postal communication.

4. The learned Additional Public Prosecutor submits that the shop in question is under lock and has not been given to the land lord.

5. In view of above, it appears that the shop remains closed for the last two years and civil disputes are pending before the

Rent Control Court, between the landlord and tenant.

6. The respondent Police have also recovered the Bajaj Platinum Motor Cycle bearing registration No.TN-30-L-6705 and they have to produce before the Magistrate.

7. Under such circumstances, the respondent Police is directed to conduct enquiry expeditiously and take action in accordance with law and file the final report before the Concerned Court.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

dn

To

1. The Inspector of Police,
Pappireddipatti Police Station,
Pappireddipatti,
Dharmapuri District.
2. The Superintendent of Police,
Dharmapuri District,
Dharmapuri.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to Ms.M.Srividya counsel for the petitioner sr.lno.
34848.

Cr1.OP No.13951 of 2015

vgi[col]
srg 27.07

WEB COPY