



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2016

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THE HON'BLE DR.JUSTICE S.VIMALACrl.O.P.(MD) No.9108 of 2016

WEB COPY

P.L.Sekkappan

... Petitioner

-vs-

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

2. The Deputy Superintendent of Police,
(Anti Land Grabbing Cell),
Pudukkottai Sub-Division,
Pudukkottai.

3. The Inspector of Police,
Anti-Land Grabbing Special Cell,
District Crime Branch,
Pudukkottai.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to transfer the investigation in respect of the complaint given by the petitioner on 06.01.2016 from the file of the 3rd respondent and to conduct the same by any other competent inspector of police under the control of the 1st respondent in a fair manner in accordance with law.

For Petitioner : Mr.M.Selvakumar

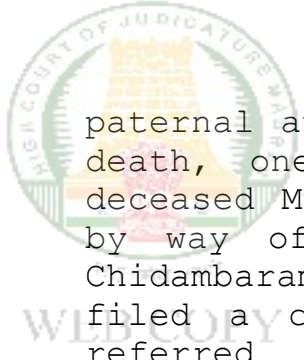
For Respondents : Mr.A.P.Balasubramani
Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed, seeking to transfer the investigation in respect of the complaint given by the petitioner on 06.01.2016 from the file of the 3rd respondent and to conduct the same by any other competent inspector of police under the control of the 1st respondent in a fair manner in accordance with law.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.

<https://hcservices.courts.gov.in/hcservices/case> of the petitioner is that the property in S.No.753/3B jointly belonged to the father of the petitioner, his paternal uncle S.Muthuraman @ Muthukaruppan Chettiar and his



paternal aunt R. Annapoorani Achi; that on coming to know of their death, one Murugappan and his mother Anandhi impersonated the deceased Muthuraman @ Muthukaruppan and created a forged document by way of sale deed in Doc.No.2269/2002 in the name of one Chidambaram / father of the said Murugappan; that the petitioner filed a complaint with the 1st respondent, which in turn was referred to the 2nd respondent for investigation; that the petitioner also appeared before the 2nd respondent for enquiry and despite his appearance and production of documents, no case has been registered against the accused persons; that the 2nd respondent, under the guise of enquiry, ill-treated the petitioner and forced him to withdraw the complaint, pursuant to which, the petitioner also sent a legal notice to the 2nd respondent for his act; that later on, the petitioner received a closure report from the 3rd respondent dated 29.03.2016, by falsely stating that a) the petitioner failed to appear for enquiry, b) the petitioner is not the direct legal heir of the property, c) no civil suit is pending between the proposed accused and the legal heirs and d) the petitioner has not claimed any rights in the property and hence, the petitioner seeks to transfer the investigation to some other competent Officer.

4. Learned Additional Government Pleader has submitted that the investigation has been conducted in a proper and fair manner and the petitioner has not co-operated for the enquiry and hence, the complaint was closed.

5. It is seen that on earlier occasion, the petitioner approached this Court in Crl.O.P.(MD) No.1781 of 2016 for registration of an FIR and since it was represented by the respondent police therein that the petitioner did not co-operate for the enquiry, this Court directed the petitioner to appear for enquiry; that pursuant to the order, the petitioner also appeared for enquiry, but there was no progress in the investigation. Therefore, this Court is of the view that direction to the very respondent police for conducting enquiry into the matter will not serve any purpose.

6. Under such circumstances, the complaint given by the petitioner on 06.01.2016 to the 3rd respondent is hereby transferred to the Deputy Superintendent of Police, Ponnamaravathy Sub-Division, Pudukkottai District, who in turn is directed to conduct a thorough enquiry into the matter and complete the same within a period of two months from the date of receipt of a copy of this order.



7. With the above direction, this petition is disposed of. No costs.

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/True Copy/

Sd/-

Assistant Registrar(AE)

Sub-Assistant Registrar

To:

1. The Superintendent of Police,
Pudukkottai District,
Pudukkottai.
2. The Deputy Superintendent of Police,
(Anti Land Grabbing Cell),
Pudukkottai Sub-Division,
Pudukkottai.
3. The Inspector of Police,
Anti-Land Grabbing Special Cell,
District Crime Branch,
Pudukkottai.
4. The Deputy Superintendent of Police,
Ponnamaravathy Sub-Division,
Pudukkottai District.

+One cc to Mr.M.Selvakumar, Advocate, SR.No.43865

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RL/6C/3P/GSV/PM/14/9/2016

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