



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.10798 of 2017

C.A.Ganapathi

... Petitioner

-Vs-

1. The Superintendent of Police,
Tirunelveli.
2. The Inspector of Police,
Cheranmaha Devi Police Station,
Tirunelveli District.
3. The Inspector of Police,
District Crime Branch,
Tirunelveli.

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to pass an order for transferring the investigation in Crime No.113 of 2014 on the file of the Inspector of Police, Cheranmahadevi Police Station, to the District Crime Branch, Tirunelveli.

For Petitioner : Mr.A.G.Senthil Kumar

For Respondents : Mr.K.Anbarasan,
Government Advocate(Crl. Side).

O R D E R

This Criminal Original petition is filed for transferring the investigation in Crime No.113 of 2014 on the file of the Inspector of Police, Cheranmaha Devi Police Station, to the District Crime Branch, Tirunelveli.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the respondents.

<https://hcservices.courts.mdy.in/hcservices/>
3. The case of the petitioner is that the petitioner and his wife wanted to sell some of the properties of the petitioner's



wife for a good price. The petitioner further stated that the petitioner's wife had properties at Cheranmaha Devi, Tirunelveli District and that the petitioner and his wife were not able to manage the affairs in view of their residence at Madurai. It was further stated that the petitioner and his wife approached one Thangapitchai and requested him to help the petitioner to sell the properties for a good price. It appears that the said Thangapitchai recommended for executing a Power of Attorney Deed in favour of some third parties who are very close to him. It is stated further that the petitioner and his wife executed a Power of Attorney in favour one K.Pakkeer Mohideen and M.Sheik Usman.

4. Though a portion of the property was sold by the agents, on the basis of the Power of Attorney Deed obtained from the petitioner, it was stated in the complaint given by the petitioner that the money received by the power agent was not accounted and that the Power of Attorney agents had cheated the petitioner and his wife. It was further stated that though the complaint was made in the year 2011, there was no progress, after the registration of the case.

5. The learned Government Advocate(Criminal Side) has no proper explanation from the respondents to justify the long delay.

6. The fact remains that no one was arrested and no enquiry was conducted. In these circumstances, this Court is inclined to allow this petition for a fair and proper investigation and further action.

7. As a result, the first respondent is directed to transfer the investigation in Crime No.113 of 2014 from the second respondent/Inspector of Police, Cheranmaha Devi, Tirunelveli District, to the third respondent/Inspector of Police, District Crime Branch, Tirunelveli District, forthwith and the third respondent/Inspector of Police, District Crime Branch, Tirunelveli District, is directed to investigate the matter and to file final report within a period of six months from the date of receipt of a copy of this order.

8. Accordingly, the Criminal Original petition is allowed.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.ecourts.gov.in/hcservices/>

1. The Superintendent of Police,
Tirunelveli.



2. The Inspector of Police,
Cheranmaha Devi Police Station,
Tirunelveli District.

3. The Inspector of Police,
District Crime Branch,
Tirunelveli.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 cc to Mr.A.G.Senthilkumar , Advocate in SR.No. 72863

pmu

AE/MR KKR/SAR4/01.09.2017/3P/6C

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