



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.2853 of 2017

WEB COPY

V.Natarajan

: Petitioner

-Vs-

- 1.State Rep. by
The Director,
C.B.C.I.D.,
Chennai.
 - 2.State rep. by
The Inspector of Police,
C.B.C.I.D.,
Sivagangai,
Sivagangai District.
 - 3.The State rep. by
The Superintendent of Police,
Sivagangai.
 - 4.The State rep. by
The Deputy Superintendent of Police,
Manamadurai,
Sivagangai.
 - 5.The State Rep. by
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai, Crime No.62 of 2017,
Sivagangai District.
- : Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to transfer the investigation in Crime No.62 of 2017 pending on the file of the 5th Respondent to C.B.C.I.D., Sivagangai or to any other independent investigating agency.

For Petitioner : Mr.D.Anbarasu

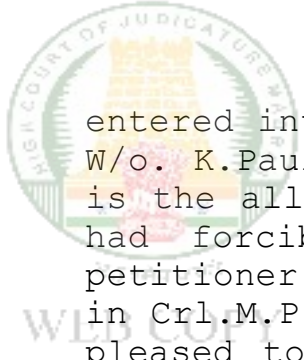
For Respondents : Mr.A.P.Balasubramani

Government Advocate (Crl. Side)

O R D E R

This petition has been filed seeking transfer of investigation in Crime No.62 of 2017 pending on the file of the 5th respondent to C.B.C.I.D., Sivagangai or to any other independent investigating agency.

<https://hcservices.courts.gov.in/hcservices/>
2. The petitioner is admittedly the Deputy Chairman in Thiruppuvanam Town Panchayat. According to the petitioner, he had



entered into a sale agreement dated 01.04.2014, with one Mariammal W/o. K.Paulpandy for purchasing her property for Rs.6,00,000/-. It is the allegation of the petitioner that the accused in this case had forcibly dispossessed him with the help of Police. The petitioner approached the learned Judicial Magistrate, Manamadurai in Crl.M.P.No.2714 of 2016 and the learned Judicial Magistrate was pleased to pass an order under Section 156(3) Cr.P.C. to the 5th respondent police to register a case. Pursuant to which, the 5th respondent has registered a regular F.I.R. in Crime No.62 of 2017 on 19.02.2017 under Section 147, 395, 424 and 448 of the Indian Penal Code against Barakathulla and 7 others. While so, the petitioner is before this Court for transfer of investigation in Crime No.62 of 2017 from the file of Thiruppuvanam Police Station to C.B.C.I.D. to any other independent investigating agency.

3.When the matter was taken up for hearing, Mr.Jeyakodi, Sub Inspector of Police, Thiruppuvanam Police Station is present.

4.Heard Mr.D.Anbarasu, the learned counsel appearing for the petitioner and Mr.A.P.Balasubramani, the learned Government Advocate appearing for the respondents.

5.Mr.D.Anbarasu, the learned counsel appearing for the petitioner submitted that the accused had illegally dispossessed the petitioner. He also fairly submitted that the petitioner has also filed a suit for permanent injunction.

6.On instruction from Mr.Jeyakodi, the Sub Inspector of Police, Thiruppuvanam Police Station, the learned Government Advocate (Criminal side) appearing for the respondents submitted that the investigation in Crime No.62 of 2017 has been completed and the case has been closed as mistake of fact on 09.02.2017 and that the petitioner did not receive the R.C.S. Notice and therefore, the same was struck on the door of his house in the presence of V.A.O., of course, copy of the closure report has been served on the learned counsel appearing for the petitioner across the bar.

7.In view of the fact that the complaint has been closed as mistake of fact, it is open to the petitioner to workout his remedy in the manner known to law. Liberty is also given to the petitioner to file protest petition within one week from the date of receipt of a copy of this order. In any case, this is not a fit case to transfer the investigation to C.B.C.I.D.

8.With the above observations, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar (C)

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

Sub Assistant Registrar



To

1. The Director,
C.B.C.I.D., Chennai.

2. The Inspector of Police,
C.B.C.I.D., Sivagangai,
Sivagangai District.

3. The Superintendent of Police,
Sivagangai.

4. The Deputy Superintendent of Police,
Manamadurai,
Sivagangai.

5. The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai, Sivagangai District.

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

+1 CC to M/s.D.ANBARASU, Advocate, SR No. 14681

SJ

PSM/RR/SAR3/23.03.2017/3P/8C

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