



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **12.04.2017**
CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WEB COPY

Crl.O.P. (MD) No.4115 of 2017
and
Crl.M.P. (MD) No.2977 of 2017

1.R.Sivasakthivel Gounder

2.S.Ramasamy

3.S.Chellamuthu

4.S.Sakthivel

5.P.Chellamuthu

6.P.Veerachamy

7.Sha Navas

: Petitioners

Vs.

1.State, Rep. By the Inspector of Police,
The Inspector of Police Station,
Oddanchathiram Police Station,
Dindigul District.

2.N.Niyamath Ali

: Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records in Crime No.317 of 2015, dated, 31.07.2015 pending on the file of the 1st respondent and quash the same.

For Petitioners

: Mr.R.Santhanam

For Respondent

: Mr.K.Anbarasan for R1
Government Advocate (Crl.side)

O R D E R

It is seen that the F.I.R. in Oddanchathiram Police Station Crime No.317 of 2015 has been registered pursuant to the directions of this Court in Crl.O.P(MD)No.10636 of 2015, dated 15.06.2015. Challenging the F.I.R., the accused is before this



2. On a reading of the F.I.R., it is seen that the allegations are mainly civil in nature, inasmuch as there are several disputes between the accused and the de-facto complainant with regard to the management of a petrol bulk. The only allegation, which requires to be looked into, is as to whether the partnership deed dated 16.02.2012 is a fabricated document as alleged in the F.I.R. by the de-facto complainant. Since there are deputed questions of facts, this Court cannot interfere at this juncture. However, it is brought to the notice of this Court that earlier, on the complaint given by the petitioner, a case in Crime No.31/2013 was registered by the District Crime Branch, Dindigul and the same was closed as 'Mistake of Fact'.

3. In the opinion of this Court, the Inspector of Police, Oddanchathiram Police Station, will not be in a position to investigate the case of this nature, as the said police station is required only to deal with law and order issues. For a fair and quick investigation, it will be in the interest of justice, if this case is transferred to the file of the District Crime Branch, Dindigul. Accordingly, this Court directs the Inspector of Police, Oddanchathiram Police Station, to hand over the entire case diary in Crime No.317 of 2015 through the Superintendent of Police, Dindigul to the Inspector of Police, District Crime Branch, within four weeks from the date of receipt of a copy of this order.

4. The District Crime Branch shall look into the allegations and if it is found that the allegations are purely civil in nature, the prosecution against the petitioner should be closed or otherwise, action shall be taken in accordance with law.

With the above direction, this criminal original petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

SD/-
ASSISTANT REGISTRAR (CS-III)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1. The Inspector of Police Station,
Oddanchathiram Police Station,
Dindigul District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC TO MR.R.SANTHANAM, ADVOCATE, SR NO.51571

MRN/RR

MAS/SV-MMS:21.04.2017:2P-4C