



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2018

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THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

CRL.O.P. (MD) No.12042 of 2018

and

Crl.M.P. (MD) No.5467 of 2018

R.Saravanakumar

... Petitioner

Vs

1. The Assistant Commissioner of Police,
(Law & Order)
Thallakulam Police Station,
Madurai City,
Madurai.

2. The Inspector of Police,
Thallakulam Police Station,
Madurai City,
Madurai.
(Crime No.1238/2018)

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the first respondent to transfer the investigation in Crime No.1238 of 2018 from the file of the second respondent to any other police station is coming under the jurisdiction of the first respondent.

For Petitioner : Mr.N.Satheesh Kumar

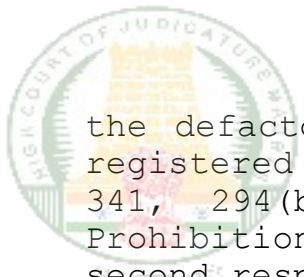
For Respondents : Mr.K.Suyambulingabharathi

Government Advocate (Crl.side)

ORDER

The petitioner has filed the present criminal original petition before this Court to transfer the investigation in Crime No.1238 of 2018 from the second respondent to any other police station coming under the jurisdiction of the first respondent.

<https://hcservices.ecourts.gov.in/hcservices/>
2. According to the petitioner, the complaint has been preferred by one Crishtopher before the second respondent alleging that the petitioner has demanded ex-orbitant interest on the loan borrowed by



the defacto complainant. Based on the said complaint, a case was registered in Crime No.1238 of 2018, for the offence under Section 341, 294(b) and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, on the file of the second respondent.

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3.The learned counsel appearing for the petitioner submitted that in para 8 of the petition, it is stated that the father-in-law of the aforesaid complainant is having religious touch with the Commissioner of Police, Madurai City, on his instructions, the second respondent registered a case. He further submitted that the petitioner premises has been illegally searched, though the documents which were seized are irrelevant to the investigation. Hence, the petition is filed before this Court to transfer the investigation.

4.The learned Government Advocate (Crl.side) appearing for the respondents would submit that the said criminal original petition is not maintainable in the light of the settled principles of law laid down by the Hon'ble Supreme Court in the case of **Alliraj Gounder Vs. The Inspector of Police, Udumalpet Town Police Station, Udumalpet, Coimbatore District and another** reported in **2005 (3) CTC 673**, wherein, the Hon'ble Supreme Court has held that in C.B.I Vs. Rajesh Gandhi, 1997 Crl.L.J. 63, observed that an accused cannot have a say as to who should investigate the offence he is charged with. Therefore, the criminal original petition is liable to be dismissed.

5.On perusal of the petition, though the grounds raised by the petitioner in the aforesaid criminal original petition to transfer the investigation from the first respondent to any other Assistant Commissioner of Police under the jurisdiction of Madurai City, there is no acceptable reasons as stated in the petition. Further, the allegation made in the petition, the petitioner has not implicated, the concerned officer as a party in the present criminal original petition. Therefore, in the light of the said fact, the petition filed by the petitioner is liable to be rejected.

6.Taking note of the principles laid down by the Hon'ble Supreme Court as well as the facts, there is no merit to entertain this criminal original petition. Hence, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar (CS-III)



To

1. The Assistant Commissioner of Police,
(Law & Order)
Thallakulam Police Station,
Madurai City,
Madurai.
2. The Inspector of Police,
Thallakulam Police Station,
Madurai City,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.N.SATHEESH KUMAR, ADVOCATE IN SR No. 73699

RMI

TE/RP/SAR-3 : 09/08/2018 : 3P/5C

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