



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.08.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.15323 of 2018

WEB COPY

Peer Mohamed

... Petitioner

Vs.

State rep by

1. The Additional Direct General of Police
CBCID, Block No.3,
1st floor, Electronic Complex
Sidco Guindy
Chennai.
2. The Superintendent of Police
Tirunelveli District
Tirunelveli
3. The Deputy Superintendent of Police
CBCID Wing,
Tirunelveli District
Tirunelveli
4. The Inspector of Police
Tenkasi Police Station
Tirunelveli.

...Respondents

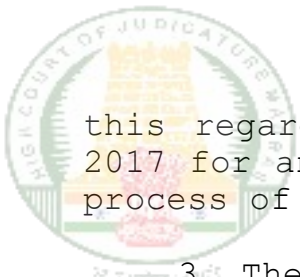
Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct to withdraw the case in Crime No. 128 of 2018 pending on the file of the fourth respondent herein and entrust the same to the third respondent and also direct the first respondent monitor the same effectively and file final report in accordance with law.

For Petitioner : Mr.N.Mohideen Basha
For Respondents : Mr. K.Suyambulinga Bharathi
Government Advocate (Cr1.Side)

ORDER

This Criminal Original Petition has been filed for a direction to transfer the case which was pending on the file of the fourth respondent to any other agency.

2. It is the case of the petitioner that he is a tenant in the property and the owner of the property has sold this demised property to one Sheik Udhuman and the said Sheik Udhuman took steps illegally to vacate the petitioner from the property. In



this regard, the petitioner has also filed a suit in O.S.No.330 of 2017 for an injunction not to evict him unless and otherwise by due process of law.

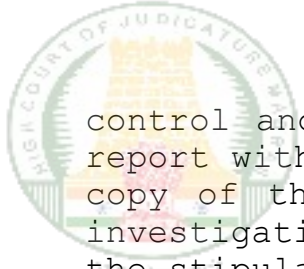
3. The learned counsel for the petitioner would submit that on 03.03.2018 the said Sheik Udhuman engaged henchmen and broke open the godown of the petitioner and took away all the goods that were stocked for the business. Based on the complaint given by the petitioner, an First Information Report was registered in Crime Number 128 of 2018 for an offence under Sections 457 and 380 of IPC. The petitioner has also given cctv footage of the entire incident that took place on 03.03.2018 and the petitioner was repeatedly giving representations before the fourth respondent to recover the goods that have been taken away by the said Sheik Udhuman. Thereafter on 15.04.2018 the said Sheik Udhuman again engaged henchmen and damaged the property in which the petitioner is a lessee and the petitioner again approached the fourth respondent and informed him about the same and gave the CC footage. Since there was a potential threat to life and property of the petitioner, the petitioner has also filed CrI.O.P(MD) No.7807 of 2018 before this Court seeking for police protection and this Court by an order dated 16.05.2018 directed the respondent police to consider the representation made by the petitioner and take steps in accordance with law.

4. The learned counsel for the petitioner would submit that in spite of all these, the fourth respondent has not investigated the case and the said Sheik Udhuman is freely moving around and threatening the petitioner. The petitioner being a statutory tenant cannot be evicted by the owner of the property by taking law into his own hands.

5. Per Contra, the learned Government Advocate(CrI.Side) would submit that the fourth respondent is investigating the matter and effective steps have been taken to complete the investigation.

6. The facts of this case clearly point out that the landlord of the property has been making several attempts to evict the petitioner by force. Two incidents have happened. One on 03.03.2018 and another on 15.04.2018 and no steps have been taken against the accused persons who were responsible for these incidents. Therefore this Court has also directed the respondent police to consider the representations made for police protection. Even after the order of this Court, no steps have been taken by the fourth respondent.

7. In the facts and circumstances of the case, it will be in the interest of justice, if the second respondent namely the Superintendent of Police, Tirunelveli District is directed to monitor the investigation done by the fourth respondent. The Superintendent of Police, Tirunelveli District is directed to ensure that the fourth respondent conducts the investigation in a fair manner and takes effective steps to bring the situation under



control and investigate the case in fair manner and file the final report within a period of three months from the date of receipt of a copy of this order. The second respondent shall ensure that the investigation would be completed by the fourth respondent with in the stipulated time.

8. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Additional Direct General of Police
CBCID, Block No.3,
1st floor, Electronic Complex
Sidco Guindy, Chennai.
2. The Superintendent of Police
Tirunelveli District, Tirunelveli.
3. The Deputy Superintendent of Police
CBCID Wing, Tirunelveli District, Tirunelveli
4. The Inspector of Police
Tenkasi Police Station, Tirunelveli.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.N.Mohideen Basha, Advocate, SR.No.80727

Cr1.O.P.(MD)No.15323 of 2018
29.08.2018

AAV
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