

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4839 of 2019

I.M.Sekar

...Petitioner

Vs.

1. The Superintendent of Police,  
Villupuram, Villupuram District.

2. The State Rep by its  
The Inspector of Police,  
Auroville Police Station,  
Villupuram District.  
(Crime No.644 of 2018)

...Respondents

PRAYER: Criminal Original petition filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation in Crime No.644 of 2018 on the file of the second respondent police to some other officers under the control first respondent.

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.M.Mohamed Riyaz  
Additional Public Prosecutor

ORDER

This petition has been filed to transfer the investigation in Crime No.644 of 2018 on the file of the second respondent police to some other officers.

2. The learned counsel appearing for the petitioner would submit that the petitioner lodged a complaint against the accused persons alleging that they were trespassed into the petitioner's property and caused damages to the compound wall by using JCB machines. It is also alleged that the accused persons threatened the petitioner and his family member with dire consequences. Hence, the petitioner lodged a complaint before the second respondent police and the same was registered in Crime No.644 of 2018 for the offences under Sections 147, 148, 447, 427 and 506(ii) of IPC. Though the accused persons damaged the petitioner's property, the respondent police did not consider the same and did not registered the case for the

offences under Section TNPPDL Act. He further submitted that the respondent police till date did not alter the offence and not even arrest the accused persons. Therefore, he prays to allow this petition.

4. The learned Additional Public Prosecutor would submit that the investigation is still pending with the second respondent police. Therefore, he sought for dismissal of this petition.

5. Heard Mr.K.Myilsamy, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondent.

6. It is seen that the petitioner lodged a complaint before the second respondent police alleging that the accused persons damaged the petitioner's property and also threatened him with dire consequences and the same was registered in Crime No.644 of 2018 for the offences under Sections 147, 148, 447, 427 and 506(ii) of IPC.

7. Considering the above facts and circumstances of the case, this Court does not want to interfere with the investigation at this stage. However, the second respondent is directed to consider the grievances of the petitioner and complete the enquiry in Crime No.644 of 2018 and file final report within a period of three months from the date of receipt of a copy of this Order.

7. With the above directions, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

rts

To

1. The Superintendent of Police,  
Villupuram, Villupuram District.
2. The Inspector of Police,  
Auroville Police Station,  
Villupuram District.

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3. The Public Prosecutor,  
High Court of Madras.

+1cc to Mr. K.Myilsamy, Advocate, S.R.No. 16742

Cr1.O.P.No.4839 of 2019

SJ(CO)  
GN(25/03/2019)



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