



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2019

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.13435 of 2018

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Durai

... Petitioner/Defacto Complainant

Vs

1.The Superintendent of Police,
Dindigul District.

2.The Inspector of Police,
Anti Land Grabbing Special Cell,
Dindigul District.
Crime No.7 of 2016

3.The Inspector of Police,
District Crime Branch,
Dindigul District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to withdraw the case in crime No.7 of 2016 from the file of the 2nd respondent and transfer the same to the file of the 3rd respondent with a direction to conduct further investigation in accordance with law within the period that may be stipulated by this Court.

For Petitioners : Mr.R.Gandhi

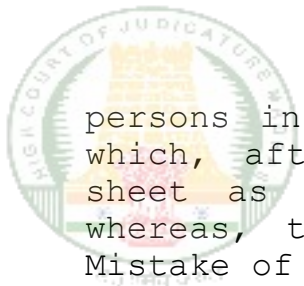
For Respondents : Mr.K.Suyambulinga Bharathi,
G.A. (Crl. Side)

O R D E R

This petition has been filed to withdraw the case in crime No.7 of 2016 from the file of the 2nd respondent and transfer the same to the file of the 3rd respondent with a direction to conduct further investigation in accordance with law within the period that may be stipulated by this Court.

2.Heard both sides.

3.It is seen from the records that already, on the complaint lodged by Ramasamy and Manikandan in connection with the same property, the 3rd respondent registered cases as against the accused



persons in crime Nos.26 of 2009 and 110 of 2013 respectively, in which, after due investigation, the 3rd respondent filed charge sheet as against the accused persons in crime No.110 of 2013, whereas, the case in crime No.26 of 2009 has been referred as Mistake of Fact.

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4.Considering the above facts and circumstances, since this crime also has been registered in respect of the very same property, this Court is of the view that it would be appropriate to direct the third respondent to conduct the investigation in this case also.

5.Accordingly, the case in crime No.7 of 2016 from the file of the 2nd respondent is hereby withdrawn and the same is transferred to the file of the 3rd respondent and the 1st respondent is directed to send the entire case records of the case in crime No.7 of 2016 from the file of the 2nd respondent to the file of the 3rd respondent forthwith and on receipt of the same, the 3rd respondent is directed to conduct the investigation and file the final report, within a period of 12 weeks thereafter.

6.With the above direction, this petition is disposed of.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar(CS-)

To

1.The Superintendent of Police, Dindigul District.

2.The Inspector of Police,
Anti Land Grabbing Special Cell, Dindigul District.

3.The Inspector of Police,
District Crime Branch, Dindigul District.

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

+1 CC to M/s.R.GANDHI, Advocate (SR-96271[F] dated 06/11/2019)

Order made in

CRL.O.P (MD) No.13435 of 2018

05.11.2019

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ES/15.11.2019/2P/6C

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