

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No14447 of 2020

R. Mallan
S/o Rangan,
Chinnanoolahalli,
Mittanoolahalli,
Dharmapuri District.

...Petitioner

Vs.

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

2.The Inspector of Police,
Adhiyamaankottai Police Station,
Dharmapuri District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the respondent to transfer the investigation in FIR Crime No.1155 of 2020 on 08.08.2020 pending on the file of the 2nd respondent herein to any other investigation officer or competent agency.

For Petitioner : Mr.R. Gopinath

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor.

ORDER

This petition has been filed to direct the respondents to transfer the investigation which is pending on the file of the second respondent herein in crime No.1155 of 2020 on 08.08.2020 to any other investigation officer or competent authority.

2. It is averred that in the complaint lodged by the petitioner to the second respondent, which is registered in Crime No.1155 of 2020 for the offences under Sections 147, 294 (b), 427 and 506(ii) of IPC, that the second respondent, after registering the F.I.R, did not take any action as against the accused till date and the accused person is not yet secured by the second respondent. Utilising the said opportunity, the accused damaged and cut the coconut trees and water pipe line belonging to the petitioner herein. Therefore, he sought for transfer of investigation.

3 The learned additional public prosecutor submitted that the F.I.R has been registered only on 08.08.2020 in crime No.1155 of 2020 for the offences Under Sections 147, 294(b), 427 and 506(ii) of I.P.C The dispute in respect of land and water and as such, the second respondent is planning to refer the matter before the Executive magistrate Under Section 107 of Cr.P.C and it is pending.

4.Considering the above submissions made by the learned Additional Public Prosecutor, it is seen that the F.I.R was registered only on 08.08.2020 in crime no.1155 of 2020 for the offences under Sections 147,294(b), 427 and 506(ii) of I.P.C. Admittedly, the dispute between the petitioner and the counter party is with regard to water pipe line and also the coconut trees in the land belonging to the petitioner herein. It is also seen that the investigation is not referred Under Section 107 of Cr.P.C to the Executive Magistrate by the second respondent. Under these circumstances the change of investigation would not be fruitful for the petitioner, in anyway.

5. Therefore, this Court is not inclined to transfer the investigation which is pending on the file of the second respondent to any other investigation agency. However, the second respondent is directed to either refer the matter under Section 107 of Cr.P.C to the Executive Magistrate or to complete the investigation and file a final report, within a period of four weeks from the date of receipt of a copy of this order.

6. This Criminal Original Petition is dismissed with the above directions.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Dharmapuri, Dharmapuri District.
2. The Inspector of Police,
Adhiyamaankottai Police Station,Dharamapuri District.

3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Gopinath, Advocate in SR.NO..30588

CrI.O.P.No.14447 of 2020

RLD(CO)
RV(30/9/2020)



WEB COPY