



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.[MD]No.9148 of 2020

Gayathri

... Petitioner

Vs.

1.State Represented by
The Superintendant of Police,
Theni District.

2.The Inspector of Police,
Cumbum North Police Station,
Theni District.

3.Thanikodi

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the first respondent police to transfer the investigation of petitioner complaint to any officer other than the Officer connected with second respondent police and conduct the enquiry based on the petitioner's representation dated 17.08.2020

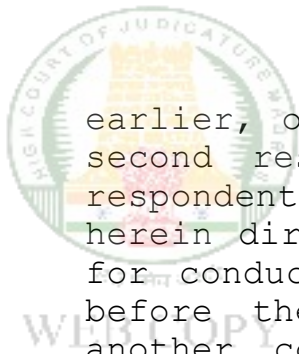
For Petitioner : Mr.A.Banumathy
For R-1 and R-2 : Mr.S.Chandrasekar,
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking a direction to direct the first respondent to withdraw the enquiry in connection with the complaint given by the petitioner and to transfer the same to any other competent Officer not below the rank of the second respondent.

2.The learned counsel appearing for the petitioner would submit that the third respondent is the tenant under the petitioner. In respect of the tenancy, the petitioner and the third respondent are having the dispute for which the petitioner repeatedly lodged the complaints before the second respondent police. On receipt of the same, the second respondent has not initiated proper enquiry. Therefore, allowing the petition is necessary to redress the grievance addressed by the petitioner.

3.The learned Additional Public Prosecutor appearing for the respondents 1 and 2, on instructions, would submit that in



earlier, on 12.08.2020, the petitioner herein appeared before the second respondent and lodged the complaint against the third respondent. Upon receipt of the same, the second respondent herein directed the petitioner to appear before him on 14.08.2020 for conducting enquiry. In the meanwhile, instead of appearing before the second respondent, the petitioner herein sent one another complaint to the Superintendant of Police, Theni, in which, he made the same allegation against the third respondent. Both the complaints given by the petitioner were taken on file in C.S.R.No.250 of 2020, dated 12.08.2020 and C.No.2791/G2/SDO-U/2020, dated 27.08.2020 respectively.

4. Upon considering the submission made by the learned counsel appearing on either side, it is not in dispute that the second respondent had not initiated any action upon receipt of the complaint given by the petitioner. The facts and circumstances of the case reveal the fact that the petitioner after lodging the complaint before the competent authority, he has not appeared before him and therefore, the second respondent was not in a position to complete the enquiry. In this regard, the learned counsel for the petitioner made an undertaking that the petitioner is ready to appear before the second respondent for the purpose of completing the enquiry in respect of the above two complaints. Therefore, it is a fit case for issuing a direction to the second respondent to complete the enquiry.

5. In view of the above, this Criminal Original Petition is disposed of with a direction to the second respondent to complete the enquiry within a period of two weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Superintendant of Police,
Theni District.

2.The Inspector of Police,
Cumbum North Police Station,
Theni District.

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

Crl.O.P.[MD]No.9148 of 2020
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KM (10.09.2020) 3P 4C