



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P (MD)No.10830 of 2020

Marivel

... Petitioner

Vs.

1.The Deputy Inspector General of Police,
Dindigul Range, Dindigul.

2.The Superintendent of Police,
Dindigul District, Dindigul.

3.The Inspector of Police,
CBCID, Dindigul District.

4.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the first and second respondents to withdraw the investigation in Crime No.1086 of 2020 from the file of the fourth respondent and to transfer the investigation to the third respondent to proceed further on the basis of the petitioner's representation dated 24.09.2020.

For Petitioner	: Mr.G.Karuppasamy Pandiyan
For Respondents	: Mr.V.Neelakandan, Additional Public Prosecutor. Mr.Rajkumar for Intervenor

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

2.The petitioner is the defacto complainant in Crime No.1086 of 2020 registered on the file of the fourth respondent. The petitioner seeks transfer of investigation. He expressed his apprehension that the fourth respondent intends to close the case as 'mistake of fact'.

3.This Court called upon the fourth respondent to file status report, wherein it has been averred as follows:

"4. I Submit that after registration of the FIR, the

<https://hcservices.hcvergovt.in/hcservices> investigation proceeded further and so far 9 witnesses have



been examined and their statements are obtained under Section 161(3) of Cr.P.C. In the said statements, the witnesses have categorically spoken about the occurrence, which happened on 17.09.2020 at 23.00 Hrs. Therefore, the allegation against the police as if we are having intention to close the case as mistake of fact doesn't arise. Subsequently, on 20.09.2020 the petitioner was examined and his statement also obtained, wherein the petitioner has stated that the accused persons caused damage to the tune of Rs.12,10,000/- and stolen property comes around Rs.3,00,000/-. Therefore, we have taken steps to ascertain the value of damage, by making proper requests to concerned authorities. Since the entire dispute is pertains to the land in survey No.187/1, 187/2, 186/6A, 186/2 and 186/3, on 01.10.2020, we have sent communications to the Tahsildar, Dindigul West Taluk and VAO, Kuttathupatti Village to furnish details with regard to the ownership, patta, 4 Boundaries of the land. We are yet to receive the details. On the other hand we have also formed special teams to secure the accused persons.

4.From the reading of the status report, I am of the view that the investigation is going on in the right lines. Therefore, there is no need to transfer the investigation. To allay the apprehension of the petitioner, I direct the Deputy Superintendent of Police to monitor the investigation.

5.This Criminal Original Petition is dismissed with the aforesaid direction.

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 Deputy Inspector General of Police,
Dindigul Range, Dindigul.
- 2.The Superintendent of Police,
Dindigul District, Dindigul.
- 3.The Inspector of Police,
CBCID, Dindigul District.
- 4.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD) No.10830 of 2020
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ARK (CO)
KM (10.12.2020) 3P 6C