



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.01.2020
CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

WEB COPY

Crl.O.P.(MD).No.17379 of 2019
and Crl.M.P.(MD) No. 10238 of 2019

Chandrasekar @ Sekar

... Petitioner

Vs.

1. The Director General of Police,
Law and Order, Chennai.

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

3. The Superintendent of Police,
CBCID, Chennai.

4. State rep. by
The Inspector of Police,
M.Reddiapatti Police Station,
Virudhunagar.
(Crime No. 131 of 2019)

5. The Inspector of Police,
CBCID, Virudhunagar.

... Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the respondents 1 to 3 to change of the investigation of the case in Crime No. 131 of 2019 for offences under Sections 147, 294(b), 447, 427, 506(i) of IPC and Section 3 and 4 of Tamilnadu Public Property (Prevention of Damage & Loss) Act, 1992 r/w 120(b), 149 IPC pending before the fourth respondent to the fifth respondent for investigation in accordance with law.

For Petitioner : Mr.D. Farjan Ghoushia
For Respondents : Mr.S.Chandrasekar,
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to direct the respondents 1 to 3 to change of the investigation of the case in Crime No. 131 of 2019 for offences under Sections 147, 294(b), 447, 427, 506(i) of IPC and Section 3 and 4 of Tamilnadu Public Property



(Prevention of Damage & Loss) Act, 1992 r/w 120(b), 149 IPC pending before the fourth respondent to the fifth respondent for investigation in accordance with law.

2. The learned counsel appearing for the petitioner would submit that on 22.04.2019, when the petitioner was making arrangements for fencing his properties situated in S.No. 15/13 of Narthampatti Village at Aruppukottai Taluk, one Shasthri and others committed criminal trespass into his property and removed the temporary fence arrangement, damaged his property and also criminally intimidated the members of the petitioner's family and the damage caused to the property was worth about Rs.20,000/-. The petitioner has preferred a complaint whereas fourth respondent police to RPAD, since the fourth respondent did not register a case the petitioner was constrained to file a complaint under Section 156 (3) Cr.P.C. the same was forwarded to the fourth respondent in Crl.M.P. No. 6083 of 2019 dated 06.08.2019 and thereafter, on the directions of the Court, the fourth respondent belatedly registered a case in Crime No. 131 of 2019 for the offences under Sections 147, 294(b), 447, 427, 506(i) of IPC and Sections 3 & 4 of Tamilnadu Public Property (Prevention of Damage & Loss) Act, 1992 r/w 120(b), 149 of IPC. He would further submit that the respondents did not take any further action and thereby the petitioner has sent representation to the higher officials. In the meanwhile, the accused party had lodged a complaint against the petitioner and his family members and based on false allegations the fourth respondent has registered a case in Crime No. 73 of 2019 for the offences under Sections 147, 294(b), 447, 427, 506(i) of IPC r/w 3(1)(r), 3(1)(s), 3(1)(y) of SC/ST Act. The petitioner has filed a quash petition in Crl.O.P.(MD)Nos. 8596 of 2019 and 8595 of 2019 and this Court had dispose the petitions with a direction to transfer the investigation of the above case to CBCID. He further submit that both occurrence in respect of complaint given by him and the case against him are taken place on 24.02.2019 and that the accused and witnesses are common in both the cases and hence, filed a petition seeking for transfer a case in Crime No. 131 of 2019 now pending on the file of the fourth respondent to the file of the CBCID who is conducting investigation in Crime No.73 of 2019.

3. He would further submit that since both the cases are case in counter and the investigation has to be conducted by the same investigation agency to come out the truth and that the investigation in Crime No. 131 of 2019 has also to be transferred to the file of the 5th respondent/Inspector of Police, CBCID, Virudhunagar.

4. The learned Additional Public Prosecutor appearing for the respondents would submit that both the cases are arising out of the same occurrence.



5. Heard both sides and perused the materials available on record.

6. This Court is of the opinion that both the cases are case in counter/cross cases and they have to be investigated by the same Officer.

7. In view of the same, direction is issued to the second respondent to transfer the case in Crime No. 131 of 2019 pending investigation on the file of the fourth respondent to the file of the fifth respondent who is conducting investigation in Crime No. 73 of 2019. The fifth respondent is directed to conduct investigation and file final report in accordance with law as expeditiously as possible.

8. With the above directions, the Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (writs)

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/ /2020

Sub Assistant Registrar(CS)

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To

1. The Director General of Police,
Law and Order, Chennai.

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

3. The Superintendent of Police,
CBCID, Chennai.

4. The Inspector of Police,
M.Reddiapatti Police Station,
Virudhunagar.

5. The Inspector of Police,
CBCID, Virudhunagar.

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

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