



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.22517 of 2018

G.Dharman
S/o.Gopal

... Petitioner

Vs.

1.The Superintendent of Police,
Vellore District,
Vellore -632 009.

2.The Deputy Superintendent of Police,
Ranipet, Vellore District.

3.The Inspector of Police,
Arcot Town Police Station,
Arcot.

4.The Sub-Inspector of Police,
Rathinagiri Police Station,
Rathinagiri, Walaja Taluk,
Vellore District.

... Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C, prayed to direct the first respondent police to transfer this case which is now pending before the fourth respondent to some other Higher Police Officers or other Agency and to take necessary action.

For Petitioner : Mr.A.Ramesh Manikandan

For Respondents : Mr.C.E.Pratap
Government Advocate (Cr1 side)



ORDER

This Criminal Original Petition has been filed by the petitioner for a direction to the first respondent police to transfer this case which is now pending before the fourth respondent to some other higher police officers or other agency and to take necessary action.

2. The learned counsel for the petitioner submits that when the petitioner was doing agricultural work in his land on 24.12.2014, at that time, one unknown person illegally trespassed into his land and removed the trees. Thereby, the petitioner has lodged a complaint before the Law Enforcing Agency on 27.12.2014. The Law Enforcing Agency has assigned only CSR.No.157 of 2014 and there is no progress. Hence, the petitioner has filed Criminal Original Petition before this Court in Crl.OP.No.1496 of 2015 for directing the respondent police to register the FIR. Since there is no progress, the petitioner has again filed Criminal Original Petition before this Court in Crl.OP.No.26583 of 2015 and this Court by its order dated 29.10.2015, directed the respondent police to investigate and file a final report expeditiously. That was not complied with by the respondent police. Hence, the petitioner has filed Contempt Petition in Cont.P.No.1427 of 2016 on 18.08.2017 and thereafter the Law Enforcing Agency has given incorrect information as if charge sheet was filed and case number was assigned as CC.No.11 of 2017 on the file of the District Munsif-Cum-Judicial Magistrate, Arcot. Later, the petitioner has verified that it is an incorrect information and CC number given has nothing to do with the case relating to Crime No.342 of 2016 for the offence under Section 379 of IPC and further the petitioner came to know that the law enforcing agency has conducted the investigation and filed a charge sheet in PRC.No.8 of 2018, however, the name is correct and FIR number is reflected as 417 of 2015. Whereas, the petitioner's FIR Number is 47 of 2015. Hence, the present petition is filed with the above said prayer.

3. Learned Counsel referred the PRC and final report filed by the respondent police and on perusal of the E-mail information, it is seen that PRC.No.8/18 relates to FIR No.417 of 2015. Accordingly, he prayed for appropriate direction.

4. Per Contra, the learned Government Advocate submits that inadvertently, the website belongs to the District Court reflected wrong FIR number. The respondent police filed a charge sheet in PRC No.8 of 2018 relates to Crime No.47 of 2015, after committal proceedings, the Sessions Court assigned SC.No.157 of 2018 and it is pending on the file of the Sessions Court.



5. In view of the above, nothing survives for the further adjudication. The petitioner is directed to approach the Sessions Court and to file an appropriate petition in SC.No.157 of 2021. Hence, this Criminal Original Petition is dismissed with the above directions.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

Vv

To

- 1.The Superintendent of Police,
Vellore District,
Vellore -632 009.
- 2.The Deputy Superintendent of Police,
Ranipet, Vellore District.
- 3.The Inspector of Police,
Arcot Town Police Station,
Arcot.
- 4.The Sub-Inspector of Police,
Rathinagiri Police Station,
Rathinagiri, Walaja Taluk,
Vellore District.
- 5.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.22517 of 2018

PCH (CO)
PR (30/11/2021)