



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGO VAN**

Crl.O.P.(MD)No.5607 of 2021

Emal Jebasi

... Petitioner

Vs.

1.The Director General of Police,
Santhome High Road,
Mylapore, Chennai 600 004.

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

3.The Inspector of Police,
Pudhukadai Police Station,
Kanyakumari District.
[In Crime No.71 of 2021]

4.The Deputy Superintendent of Police,
CBCID, Kanyakumari District.

... Respondents

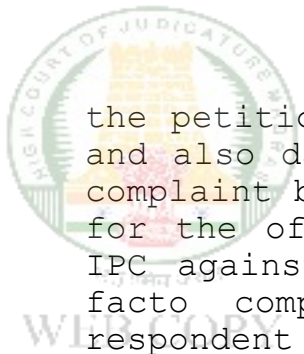
Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent to order change of investigation in the matter relating to the Crime No.71 of 2021 on the file of the third respondent and entrust the same to the fourth respondent for investigation of the case and file a charge sheet before the learned Judicial Magistrate No.II, Kuzhithurai within the time stipulated by this Court.

For Petitioner : Mr.C.Mayilvahana Rajendiran
For Respondents : Mr.R.Anandharaj
Additional Public Proscecuter

ORDER

The present petition is filed seeking a direction to transfer of investigation in Crime No.71 of 2021 on the file of the third respondent to the fourth respondent.

2.The grievance of the petitioner is that due to some dispute with regard to the counting of votes, the de-facto complainant, namely, Bensam along with other accused entered into the house of



the petitioner and abused him with filthy language and attacked him and also damaged windows. In this regard, the petitioner lodged a complaint before the third respondent police in Crime No.72 of 2021, for the offence punishable under Sections 324, 427 and 506(ii) of IPC against the de-facto complainants. In the meantime, the de-facto complainant lodged a false complaint before the third respondent police in Crime No.71 of 2021, for the offence punishable under Sections 147, 148, 341, 294(b), 323, 324 and 506(ii) of IPC. The third respondent, without examining the witnesses, registered a false case in Crime No.71 of 2021. Hence, the petitioner filed the present petition before this Court seeking transfer of investigation.

3.Heard the learned counsel on either side.

4.The learned Additional Public Prosecutor appearing for the respondents would submit that there is a dispute arose between the parties with regard to the election, in respect of which, both the parties have given a complaint and both are now pending. At this stage, there is no possibility for transferring the investigation.

5.Considering the submissions made by the learned Additional Public Prosecutor, the petitioner is directed to co-operate for enquiry and the second respondent is directed to monitor the same and may also ensure proper investigation in both the complaints.

6.With the above observation, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

Sji

To
<https://hcservices.ecourts.gov.in/hcservices/>



1..The Director General of Police,
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2..The Superintendent of Police,
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Kanyakumari.

3..The Inspector of Police,
Pudhukadai Police Station,
Kanyakumari District

4.The Deputy Superintendent of Police,
CBCID, Kanyakumari District.

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

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-16543[F] dated
20/04/2021)

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GS (17.06.2021) 3P 7C