



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P. (MD)No.6241 of 2021

V.Selvakumar

...Petitioner

Vs.

1.The Superintendent of Police,
Thirunelveli District,
Thirunelveli.

2.The Inspector of Police,
Rathapuram Police Station,
Rathapuram.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, directing the transfer of investigation, pursuant to the complaint pending in CSR No.83/2021 on the file of the second respondent to some other investigating Officer or to some other impartial investigation agency.

For Petitioner :Mr.B.Fazil Kirmani

For Respondents :Mr.K.Suyambulinga Bharathi

Government Advocate (crl.side)

O R D E R

This criminal original petition has been filed to transfer the investigation, pursuant to the complaint pending in CSR No.83/2021 on the file of the second respondent to some other Investigating Officer or to some other investigation agency.

2.The case of the petitioner is that on 15.02.2021, the accused persons trespassed into the petitioner's property by breaking the fence and caused damage and also threatened the petitioner with dire consequences. Hence, the petitioner filed a complaint before the second respondent police. Since there was no action taken by the respondent police, the petitioner approached this Court with the aforesaid relief.

3.The learned Government Advocate (crl.side) would submit that pursuant to the complaint given by the petitioner, an enquiry was conducted by the respondent police in C.S.R.No.83 of 2021, in which both the parties appeared before the enquiry officer and made a submission that they will workout the remedy before the appropriate



forum after measuring the property. On that basis, the complaint was closed on 25.02.2021.

4.Now, the grievance of the petitioner is that in spite of repeated complaint, the respondent police did not take any action. At least further enquiry must be conducted. But such a prayer is not maintainable, since the enquiry has been closed. The petitioner himself appeared before the Enquiry Officer and made a statement that he will workout the remedy before the appropriate forum after measuring the property. Hence, nothing survives for further adjudication in this petition.

5.In view of the above, this Criminal Original Petition is closed with liberty to the petitioner to make a fresh complaint on the basis of fresh occurrence, if any.

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.

To:

- 1.The Superintendant of Police,
Thirunelveli District,
Thirunelveli.
- 2.The Inspector of Police,
Rathapuram Police Station,
Rathapuram.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RP (27.05.2021) P 4C