



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.7997 of 2021

C.Sivakumar

... Petitioner

Vs.

1. The Director General of Police,
DGP Office,
Dr.Radhakrishnan Salai,
Chennai - 600 004.
2. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
3. The Deputy Superintendent of Police,
Uthangarai, Krishnagiri District.
4. The Inspector of Police,
Singarapettai Police Station,
Uthangarai Taluk,
Krishnagiri District.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, directing the 4th respondent to send the records and transfer the investigation in Cr.No.24 of 2021 from the file of 4th respondent herein to the CBCID, Krishnagiri and consequently direct the CBCID Krishnagiri to conduct the investigation and to file a Final report.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This petition has been filed seeking to direct the 4th respondent to send the records and to transfer the investigation in Cr.No.24 of 2021 pending on the file of 4th respondent herein to the CBCID, Krishnagiri.



2. The learned counsel for the petitioner would submit that one Kuppusamy who is a habitual offender along with his Associates trespassed into the patta land of the petitioner and caused damage to the land without permission of the Authorities and laid road using JCB on 19.06.2020. The said Kuppusamy along with fifty members of henchmen who are belonging to his community. The petitioner had immediately given a complaint to the 4th respondent, however on the direction of the 3rd respondent who is close to the said Kuppusamy. The 4th respondent refused to register the complaint. However, with great insistence the respondent had conducted an enquiry in CSR.No.306 of 2020. Aggrieved by the same, the petitioner had approached the Higher Authorities and only after intervention of the Higher Authorities a case in Cr.No.24 of 2021 was registered against the accused on 22.01.2021 for the offences under Section 427, 447 and 506(i) of IPC. The 3rd respondent who is antagonized with the petitioner has not conducted the investigation properly. Being dissatisfied with the investigation conducted by the 3rd respondent, the present petition has been filed seeking to transfer of investigation. Further, the learned counsel would submit that emboldened by the inaction of the 3rd respondent, the accused Kuppusamy and his Associates have openly threatened to do away the petitioner.

3. The learned Additional Public Prosecutor would fairly submit that there seems to be some lapses on the investigation conducted by the 3rd respondent.

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

5. Taking into consideration, the submissions made by the counsel on either side, this Court feels it appropriate to transfer the investigation from the file of the 3rd and 4th respondents to any of the Competent Officer.

6. In view of the above, the 2nd respondent/Superintendent of Police, Krishnagiri District shall pass appropriate orders transferring the case in Cr.No.24 of 2021 pending on the file of the 4th respondent to the file of the Deputy Superintendent of Police, DCB, Krishnagiri, who shall complete the investigation and file a final report as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this order. The 2nd respondent/Superintendent of Police, Krishnagiri is directed to monitor the investigation done by the Deputy Superintendent of Police, DCB, Krishnagiri.



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7. With the above directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

jas/tsh

To

1. The Director General of Police,
DGP Office, Dr.Radhakrishnan Salai,
Chennai - 600 004.
2. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
3. The Deputy Superintendent of Police,
Uthangarai, Krishnagiri District.
4. The Inspector of Police,
Singarapettai Police Station,
Uthangarai Taluk,
Krishnagiri District.
5. The Deputy Superintendent of Police,
DCB, Krishnagiri.
6. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.16301

W.P.No.7997 of 2021

GMR (CO)
SU (24/03/2022)