



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.9546 of 2022

R.Ravi

... Petitioner

Vs.

1.State rep.by

The Inspector General of Police,
West Zone,
Coimbatore.

2.The Superintendent of Police,
Coimbatore District.

3.The Inspector of Police,
Thudialur Police Station,
Coimbatore District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to direct the respondents 1 and 2 to make further investigation under the monitor of higher officials not less than the rank of Deputy Superintendent of Police and alter the FIR in Crime No.1701 of 2021 on the file of 3rd respondent Police by considering the representation dated 03.03.2022.

For Petitioner : Mr.S.Kumaresan

For Respondents : Mr.A.Gokulakrishnan

Additional Public Prosecutor.

O R D E R

This Criminal Original Petition is filed to direct the respondents 1 and 2 to make further investigation under the monitor of higher officials not less than the rank of Deputy Superintendent of Police and alter the FIR in Crime No.1701 of 2021 on the file of 3rd respondent /Police, by considering the representation dated 03.03.2022.

2. The case of the petitioner is that he is working as a Company Secretary and married one Kasthuri Thilaka, who is a resident of Bangalore, Karnataka on 10.02.2019 and after marriage, he started to lead matrimonial life at No.5, Second Cross, Ramalinganagar, K.K.Pudur, Coimbatore District. Later,



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due to difference of opinion that arose between the petitioner and his wife, his wife left the matrimonial home. The petitioner, after issuing legal notice dated 14.10.2020, the petitioner had filed H.M.O.P.No.1316 of 2020 on the file of the Family Court, Coimbatore.

3.The further case of the petitioner is that the petitioner's mother owns a property at Door No.48, 5th Avenue, Sabari Garden, Nallampalayam, Coimbatore - 641 027, totally to an extent of 5 ½ cents, with constructed area of 1450 Sq. Ft of residential building. The petitioner's mother was living alone in the said residential building. While so, her brother had sustained injury and she had gone to his brother's house to take care of him. The petitioner's mother had appointed a security, namely, one Rangasamy to take care of the house.

4.While so, on 01.12.2020, around 7.30 p.m., the petitioner had received an information from the Security Guard that one Srikanth along with the petitioner's wife, had come to his mother's house and broke open the lock and trespassed into the property. The petitioner had given a complaint to the respondent/Police and after a long battle, the First Information Report was registered by the 3rd respondent in Crime No.1701 of 2021 dated 24.11.2021 against the petitioner's wife and one Srikanth, for the offences under Sections 448, 294(b) and 506(Part I) of IPC. Thereafter, the petitioner received CCTV footages from a neighbour, namely S.R.Ramakrishnan, from which, it is clear that one A.Nazir Basha, had assisted and came along with the wife of the petitioner in Honda Active Black Colour bearing Registration No.TN-38-CS-2745. He was further shocked to see that Mrs.Anita, Additional Deputy Superintendent of Police and Mr.Balamuralisundaram, Inspector of Police, Thudiyalur Police Station had accompanied his wife and have aided and assisted his wife in the illegal operation of house breaking and criminal trespass. Later, during enquiry, the petitioner came to know that the Additional Deputy Superintendent of Police and the Inspector of Police have taken law into their hands and exceeded their limits and had advised and assisted the accused in the acts of illegal house breaking and criminal trespass. Meanwhile, the petitioner's wife suppressing the real facts and making false allegations, had filed D.V.A.No. 171 of 2020 along with C.M.P.No.23316 of 2021 on the file of the Domestic Violence Protection Court of Coimbatore and by making false averments that she was living in a shared 'household' in the petitioner's mother's house, had obtained a 'residential order'. It is a clear case where the Police officials, with rowdy elements and the accused, have indulged in house breaking and attempted to grab a property, thereby, the petitioner has given a representation dated 03.03.2022 to the respondents/Police to make further investigation. He would further submit that the petitioner and his wife, after marriage, were leading a matrimonial life at No.5, Second Cross, Ramalinganagar, K.K.Pudur, Coimbatore District. The



mother of the petitioner was living in a separate residence at Door No.48, 5th Avenue, Sabari Garden, Nallampalayam, Coimbatore District. The petitioner and his wife never had a shared household at the petitioner's mother's house. In order to grab the property of the petitioner's mother, the petitioner's wife had given a false complaint to the third respondent and the third respondent and his superior officer, one Mrs.Anita, Additional Deputy Superintendent of Police, had given ill-advice to the wife of the petitioner and they have abated the petitioner's wife and other accused to indulge in the acts of house breaking and illegal trespass. The entire episode of the third respondent and his superior officer indulging in illegal acts, was recorded in the CCTV footages available in the vicinity, since the third respondent and his superior officers are involved in the offence. The petitioner may not be able to get a fair investigation involved in Crime No.1701 of 2021 now pending investigation on the file of the third respondent. Unless the investigation is transferred and a direction is issued to the superior officer to monitor the investigation, the petitioner will not see the ends of justice and thereby, he would seek for appropriate orders.

5.Learned Additional Public Prosecutor appearing for the respondents Police would submit that due and proper investigation would be done and if necessary, the offences will be altered and the persons who are involved in this case will be arrayed as an accused.

6.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for respondents and perused the materials available on records.

7.It is the case of the petitioner that the accused along with the help of Police personnel had committed house breaking and illegal trespass into the petitioner's mother's house. It is the grievance of the petitioner that the third respondent Police and his higher officials having accused of the illegal act, have not conducted proper enquiry and thereby, this petition has been filed seeking to direct the respondents 1 and 2 to monitor the investigation and alter the First Information Report in Crime No.1701 of 2021. In this case, the allegations are made against the third respondent and his superior officers. In such circumstances, it may not be proper for the third respondent to continue the further investigation. This Court is of the opinion that the case has to be transferred to some other officer other than the third respondent.

8.In view of the above facts, a direction is issued to the second respondent to transfer the investigation pending on the file of the third respondent to the file of the competent Deputy Superintendent of Police in the nearby jurisdiction. He shall conduct further investigation based on the CCTV footages available. The investigation shall be completed and the final



report shall be filed within a period of four months from the date of receipt of a copy of this order and the second respondent shall monitor the same.

9. Accordingly, this Criminal Original petition stands disposed of.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vkr/nti
To

1. The Inspector General of Police,
West Zone,
Coimbatore.

2. The Superintendent of Police,
Coimbatore District.

3. The Inspector of Police,
Thudialur Police Station,
Coimbatore District.

4. The Public Prosecutor,
High Court of Madras.

+1 cc to Mr.S.Kumaresan, Advocate Sr.NO. 29244

Cr1.O.P.No.9546 of 2022

AJS(CO)
A.SK(16/05/2022)