



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.4630 of 2022

Perumpadaiyar

... Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli City,
Tirunelveli District.

2.The Inspector of Police,
Central Crime Branch,
Tirunelveli City,
Tirunelveli District.
(Crime No.1 of 2022)

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the first respondent to transfer the investigation in Crime No.1 of 2022 from the file of the second respondent to some other agency.

For Petitioner : Mr.A.Robinson

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor (Criminal Side)

ORDER

This Criminal Original Petition has been filed to direct the first respondent to transfer the investigation in Crime No.1 of 2022 from the file of the second respondent to some other agency.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the property in Resurvey No.12/1B2 Part Stage-I, Phase-I, Plot No.HIG 25 situated at V.M.Chathiram, Palayamkottai Taluk, Tirunelveli. While pendency, the said property was rented out by the accused from the year 1997. The petitioner submits that the vendor of the petitioner filed the petition for eviction and the same was ordered on 05.11.2009. Aggrieved by the same, the first accused also filed an appeal



R.C.A.No.1 of 2010 and the same was dismissed on 05.07.2010. The petitioner's vendor filed execution petition in E.P.No.152 of 2010 on the file of the learned Principal District Munsif Court, Tirunelveli.

3. The learned counsel for the petitioner also submits that the first accused has executed the settlement deed on 26.02.2021 registered vide Document No.1487 of 2021 on the file of the Joint Sub Registrar, Palayamkottai. Hence, the petitioner lodged a complaint and the same has been registered in Crime No.1 of 2022 for the offences under Sections 465, 467 and 468 IPC.

4. However, the grievance of the petitioner is that the second respondent omitted the offences under Sections 420 and 471 IPC as well as Section 3(1)(g) of SC/ST (Prevention of Atrocities) Act, since the petitioner belonged to SC/ST Community. Further, the grievance is that the second respondent has also failed to implicate the Sub Registrar as an accused.

5. The learned Additional Public Prosecutor (Criminal Side) submitted that investigation revealed that Sub Registrar, Palayamkottai, also involved in this crime and as such, they impleaded the Joint Sub Registrar, Palayamkottai, also as an accused and altered the offences under Sections 420 and 471 IPC.

6. After altering the offences the second respondent is directed to complete the investigation and file the final report within a period of twelve weeks thereafter.

7. Recording the said submission, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar (CS-III)

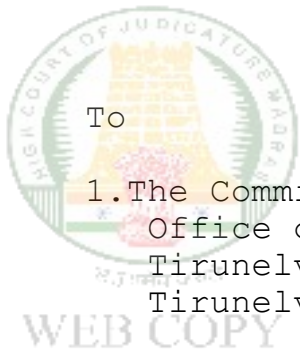
// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

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 Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli City,
Tirunelveli District.

2.The Inspector of Police,
Central Crime Branch,
Tirunelveli City,
Tirunelveli District.

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

+1 CC to M/s.A.ROBINSON, Advocate (SR-11609[F] dated 11/03/2022)

Crl.O.P(MD)No.4630 of 2022
11.03.2022

RD(18.04.2022) 3P 5C