



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K. ILANTHIRAIYAN**

CrI.O.P.(MD) No.5944 of 2022

M.Mohamed Yusuf

...Petitioner

Vs.

1. The Commissioner of Police,
O/o.The Commissioner of Police,
Madurai.

2. The Assistant Commissioner of Police,
O/o.The Assistant Commissioner of Police,
Madurai.

3. The Inspector of Police,
Jaihindipuram Police Station,
Madurai District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to issue direction, directing the respondent No.1 to withdraw the case in Crime No.84 of 2022 from the respondent No.3 and transfer the case in Crime No.84 of 2022 on the file of the respondent No.3 to respondent No.4.

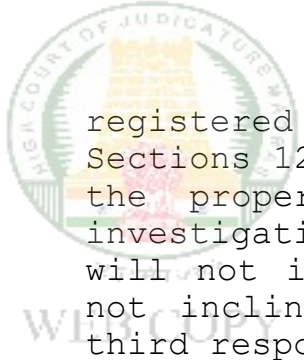
For Petitioner	:	Mr.S.M.A.Jinnah
For Respondents	:	Mr.R.M.Anbunithi
No.1 to 3		Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to direct the first respondent to withdraw the case in Crime No.84 of 2022 from the third respondent and transfer the case in Crime No.84 of 2022 on the file of the third respondent to fourth respondent.

2. The learned counsel for the petitioner would submit that the petitioner lodged complaint before the third respondent and the same has not been considered. Therefore the petitioner was constrained to file a petition under Section 156(3) of Cr.P.C in Cr.M.P.No.106 of 2022 before the learned Judicial Magistrate No.IV, Madurai and the learned Magistrate by an order dated 29.12.2022 had directed the third respondent to register the case and only thereafter the third respondent registered the case. Therefore the petitioner will not get any fair investigation from the third respondent.

3. A perusal of the record reveals that based on the direction given by the learned Magistrate the third respondent immediately



registered a case in Crime No.84 of 2022 for the offences under Sections 120(B), 406, 420 of IPC and the entire dispute with regard to the property, therefore it is in the very initial stage of investigation and the petitioner cannot say that third respondent will not investigate the complaint properly. Hence this Court is not inclined to transfer the investigation from the file of the third respondent to the file of the fourth respondent.

4. In the result, the Criminal Original Petition stands dismissed. However the third respondent is directed to expedite the investigation in Crime No. 84 of 2022 and file the final report on merits and in accordance with law.

Sd/-

Assistant Registrar (Protocol)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Commissioner of Police,
O/o.The Commissioner of Police,
Madurai.
2. The Assistant Commissioner of Police,
O/o.The Assistant Commissioner of Police,
Madurai.
3. The Inspector of Police,
Jaihindipuram Police Station,
Madurai District.
4. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

Cr1.O.P. (MD) No.5944 of 2022
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SG(CO)

KB(29.04.2022) 2P 5C