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W.P.No.1721 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2023

CORAM:

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

W.P.No.1721 of 2012

H.Basheer Ahamed

...Petitioner

-Vs-

The Deputy Commissioner of Police,
Coimbatore City,
Coimbatore – 18.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in C.No.53/DC/L&O/CBE/City/2011 dated 21.01.2011, to quash the same and consequently direct fresh investigation by transferring the investigation to another competent authority.

For Petitioner : No appearance

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

This Writ Petition has been filed challenging the order dated 21.01.2011, passed by the respondent herein and consequently direct fresh investigation by transferring the investigation to another competent



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authority.

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2. This Court by an order dated 19.10.2010 passed in W.P.No.10411 of 2010, directed the respondent to conduct enquiry on the representation of the petitioner dated 27.04.2009. As directed by this Court, the respondent conducted detailed enquiry and rejected the representation of the petitioner herein, by an order dated 21.01.2011.

3. On perusal of impugned order it revealed that, there is a civil dispute between the petitioner and the counter party in respect of house property and in view of the same the petitioner involved in the illegal activity. Therefore, on the complaint lodged by one Amjath Khan, case was registered in Crime No.357 of 2009 on the file of the B8 Variety Hall Road Police Station under Section 75(1)(c) of Tamil Nadu City Police Act and Sections 323 & 506(ii) of IPC. Another complaint was also lodged as against the petitioner in Crime No. 358 of 2009 for the offence under Sections 353, 506(ii) of IPC in which, the petitioner was arrested and remanded to judicial custody.



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4. That apart, the petitioner already involved in the case registered in Crime No.259 of 2009 under Sections 147, 148, 448, 437, 354, 324 and 506(ii) of IPC. Therefore, the respondent rightly found that further action is not required on the representation submitted by the petitioner. Hence, the Writ Petition is devoid of merits and liable to be dismissed.

5. Accordingly, the Writ Petition stands dismissed. There shall be no order as to cost.

13.04.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts

To

1. The Deputy Commissioner of Police,
Coimbatore City,
Coimbatore – 18.

2. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN. J.

rts

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