



WEB COPY



Crl.O.P.No.6835 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.03.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.6835 of 2023

Antony Joseph

...Petitioner

Vs.

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.

2. The Inspector of Police,
Oomangalam Police Station,
Cuddalore District.
Crime No.349 of 2022

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation in Crime.No.349 of 2022, on the file of the Inspector of Police, Oomangalam Police Station, the second respondent herein to CBCID or any other competent investigation agency.

For Petitioner : Mr.J.Antony Jesus

For Respondents

R1 and R2 : Mr.S.Santhosh

Government Advocate (Crl.Side)

ORDER



Crl.O.P.No.6835 of 2023

This Criminal Original Petition has been filed to transfer the investigation in Crime.No.349 of 2022, on the file of the Inspector of Police, Oomangalam Police Station, the second respondent herein to CBCID or any other competent investigation agency.

2. It is the submission of the learned counsel for the petitioner that the petitioner's father purchased a land in S.No.19/01, Arasukuzhi Village, Virudhachalam on 21.02.1994. He was in possession and enjoyment of his land and he had settled his land in favour of his wife one Uthamamary, who is the petitioner's mother, on 21.10.2008. The accused in this case had illegally trespassed into the land and dug to an extent of 10 feet deep by using JCB. This came to the notice of the petitioner's mother only on 07.09.2021. The accused had taken away sand worth of Rs.10,00,000/-. Despite registration of FIR on 07.09.2022, there is no progress in the investigation. None of the accused was arrested so far. Therefore, this petition.

3. In response, the learned Government Advocate (Crl.Side) submitted that



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there is a property dispute between the defacto complainant, her husband and the accused. The accused Selvaraj filed a suit in O.S.No.356 of 2021 on the file of the learned Sub Judge, Virudhachalam, seeking relief of partition and other reliefs against the defacto complainant, her husband and others. The respondent Police is investigating the case and will file the final report at the earliest possible time.

4. In the light of the submissions made by the counsel appearing for the parties and the fact that there is already a civil dispute pending, this Court directs the second respondent to complete the investigation as early as possible, preferably within a period of three months from the date of receipt of a copy of this order and file the final report.

5. In this view of the matter, this Court finds it is not necessary to transfer the investigation. Accordingly, this Criminal Original Petition is disposed of.

28.03.2023

mn

Index:Yes/No

Speaking Order: Yes/No

G.CHANDRASEKHARAN.J.,



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mn

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To

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.
2. The Inspector of Police,
Oomangalam Police Station,
Cuddalore District.
3. The Public Prosecutor,
High Court of Madras.

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