



CrI.O.P.No.25693 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.25693 of 2022

Vasanthi

... Petitioner

Vs.

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

2.Deputy Superintendent of Police,
Thittakudi Sub Division,
Cuddalore District.

3.Inspector of Police,
Ramanatham Police Station,
Cuddalore District,
Crime No.389/2022.

4.Additional Director General of Police,
CB-CID,
Aalandhur,
Chennai-16.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, directing the respondent 1 to 3 to transfer the case in Crime No.389/2022 on the file of 3rd respondent Police to 4th respondent independent agency CB-CID conduct further investigation into the matter in accordance with law.



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For Petitioner : Mr.M.Velmurugan
For Respondents : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking transfer of FIR in Crime No.389 of 2022 on the file of the 3rd respondent Police to the file of the 4th respondent and to conduct further investigation.

2.The petitioner filed a complaint before the 3rd respondent Police, for which, a case in Crime No.389 of 2022, dated 12.09.2022 registered, for offence under Sections 147, 427, 447 & 506(1) of IPC and Sections 3(1)(r), 3(1)(s), 3(1)(g) and 3(2)(va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against one Sakthivel.

3.Gist of the case is that the petitioner had ancestral property in Venganur Village, Cuddalore District in survey Nos.72/2 and 10/2, which was under their cultivation and usage. The petitioner's uncle Muniyan had sold one third of his share to one Rajavelu on 17.01.2018. Presently the said one third portion is now purchased by one Sakthivel of Kadiyar village, Thirukovilur. The said person along with the



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petitioner's property intend to have a layout, had damaged the petitioner's field and further, with henchmen of MLA, on 05.09.2020 entered into the property and caused damage to the crops using JCB bearing No.TN 15 R 1869 and levelled the field and claimed that the local MLA belonging to ruling party, had purchased the property and nobody can stop them. Thereafter, Mangalur ward councillor one Shankar had come there and informed whatever may be the loss, it can be sorted out, thereafter, only the accused had left the place. Initially, on the complaint of the petitioner, C.S.R.No.531 of 2022 was assigned on 06.09.2022, after preliminary enquiry, FIR registered, thereafter, no action taken.

4.The petitioner in support of his complaint, produced the sale deed documents, patta, chitta Adangal and other revenue records. Since local MLA belonging to the ruling political party is involved, the 3rd respondent Police not taken any action, hence, she is forced to file the above petition.

5.Learned Additional Public Prosecutor appearing for the



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respondents submitted that on registration of FIR in Crime No.389 of 2022, investigation commenced, witnesses examined and charge sheet filed against five persons namely Sakthivel, Selvam, Subaiyah, Rajendran and another Selvam listing witnesses LW1 to LW18 before the Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Cuddalore on 10.04.2023.

6.Since the charge sheet has been filed before the Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Cuddalore, there is no necessity to transfer the FIR in Crime No.389 of 2022 as prayed by the learned counsel for the petitioner.

7.In view of the above, this Criminal Original Petition stands dismissed.

26.06.2023

Speaking Order/Non-Speaking Order

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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To
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- 1.The Additional Director General of Police,
CB-CID, Alandhur,
Chennai-16.
- 2.The Superintendent of Police,
Cuddalore District,
Cuddalore.
- 3.The Deputy Superintendent of Police,
Thittakudi Sub Division,
Cuddalore District.
- 4.The Inspector of Police,
Ramanatham Police Station,
Cuddalore District,
- 5.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.
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