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4BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 15/06/2023

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The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.OP(MD)No.845 of 2023

M.Suresh : Petitioner/De-facto
Complainant

Vs.

1.The Commissioner of Police,
Madurai City.

2.The Inspector of Police,
Mattuthavani Police Station,
Madurai City,
(Crime No.333 of 2023)

3.The Inspector of Police,
City Crime Branch,
Madurai District.

: Respondents/Respondents

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to transfer the investigation of the case in Crime No.333 of 2022 from the file of the Inspector of Police, Mattuthavani Police Station, Madurai City to the file of the Inspector of Police, City Crime Branch, Madurai City and pass such any or other orders.



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For Petitioner : Mr.R.Anand

For Respondents : Mr.B.Nambilselvan
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed for transferring the investigation of the case in Crime No.333 of 2022 from the file of the Inspector of Police, Mattuthavani Police Station, Madurai City to the file of the Inspector of Police, City Crime Branch, Madurai City.

2.The facts in brief:-

The petitioner is the owner of the Car bearing registration No.TN-49-D-4142 (TATA Sumon Red Colour) and he used to park the above said vehicle in Mandhai Chavadi at night hours. On 23/08/2022 at about 07.00 pm, he left the above said vehicle and parked in that area. On the next day namely 24/08/2022 at about 03.20 pm, when he went to that place, he found that the above said vehicle was missing. On the basis of the above said occurrence, he lodged a complaint. Upon which, FIR in Crime No.333 of 2023 was registered for the offence under section 379(NP) IPC.



3. Seeking transfer of the investigation, this petition has been filed with the following allegations:-

Proper evidence was supplied to the Investigating Officer namely CCTV footage, which shows that one Prem Kumar with the help of one unknown person, has taken the Car in the road opposite to the Petrol Bunk situated at Uthangudi; In spite of that, proper investigation was not undertaken by summoning the above said person; The Sub Inspector of Police Namely Raju, is the friend of the above said Prem Kumar. Because of the above said, friendship, proper investigation has not been undertaken by the Sub Inspector of Police.

4. Heard both sides.

5. The CCTV footage, which was taken from nearby area shows passing of the vehicle, on 23/08/2022 at about 10.51 pm. Now the allegation against one Prem Kumar is that he has stolen the vehicle and how he is hiding the same.



6.Now the learned Additional Public Prosecutor would submit that because of the business transaction over the above said Prem Kumar, the complaint has been given as if he has taken the vehicle.

7.Now whatever it may be, it is the duty of the Sub Inspector of Police, who takes the investigation and investigate the matter, by summoning the petitioner and the above said Prem Kumar. It appears that the above said investigation has not been undertaken on that line.

8.In the above said circumstances of the case, even though, the Sub Inspector of Police, who is the Investigating Officer is not a party to this case, the entire file must be entrusted to the 3rd respondent immediately to make the investigation in a proper manner.

9.Let the above said investigation be completed by the 3rd respondent police within a period of five months from the date of receipt of the case file.



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10. With the above said direction, this criminal original petition stands **disposed of**.

15/06/2023

Index:Yes/No
Internet:Yes/No

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To,

1. The Commissioner of Police,
Madurai City.
2. The Inspector of Police,
Mattuthavani Police Station,
Madurai City,
3. The Inspector of Police,
City Crime Branch,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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