



Crl.O.P.(MD)No.1637 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1637 of 2023

Chandra Sekaran

... Petitioner

Vs.

1.The Additional Director General of Police,
CBCID, SIDCO Electronics Complex,
1st Floor, Kinndy, Chennai- 600 032.

2.The Superintendent of Police,
O/o.The Superintendent of Police,
Thoothukudi,
Thoothukudi District.

3.The Inspector of Police,
Tiruchendur Police Station,
Tiruchendur Taluk,
Thoothukudi District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to issue a direction to withdraw the investigation of the case in C.S.R.No.1026 of 2022, dated 04.12.2022 on the file of the third respondent and entrust the same to the first respondent for appointment of an investigation officer for further investigation of the case by a competent officer not below the rank of DSP.

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For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to issue a direction to withdraw the investigation of the case in C.S.R.No.1026 of 2022, dated 04.12.2022 on the file of the third respondent and entrust the same to the first respondent for appointment of an investigation officer for further investigation of the case by a competent officer not below the rank of DSP.

2. When the matter is taken up for hearing today, the learned counsel for the petitioner would submit that the petitioner has purchased the property from one Mallika and on the date of purchase, the said Mallika's son was in possession of the property. He would further submit that the said Mallika's son Ganapathi has already filed a civil suit and the same is pending against his parents and that the petitioner has got himself impleaded in that suit and the same is pending.



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3. The main complaint of the petitioner is that the said Ganapathy has demolished the wall and he has been damaging the property. The third respondent, after conducting enquiry on the basis of the complaint, closed the complaint mainly on the ground that the dispute is of civil in nature.

4. Considering the facts and circumstances of the case and also the submissions made by either side, the closure of the complaint on the ground that the dispute is civil in nature, cannot be found fault with.

5. The learned counsel for the petitioner would submit that the third respondent has prepared a letter as if the same was written by the petitioner, but the said letter was not written by the petitioner and the signatures found therein are not that of the petitioner.

6. The petitioner is at liberty to challenge and take appropriate proceedings in respect of the same.



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WEB COPY 7. With the above direction, the Criminal Original Petition is disposed of.

13.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Additional Director General of Police,
CBCID, SIDCO Electronics Complex,
1st Floor, Kinndy, Chennai- 600 032.
- 2.The Superintendent of Police,
O/o.The Superintendent of Police,
Thoothukudi,
Thoothukudi District.
- 3.The Inspector of Police,
Tiruchendur Police Station,
Tiruchendur Taluk,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.1637 of 2023

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