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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

Crl.OP(MD)No.4749 of 2023

P.Jeyapandi : Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
CBCID, Sellur,
Madurai-625 002.

3.The Inspector of Police,
Thadikombu Police Station,
Dindigul District.

4.The Inspector of Police,
CBCID,
Dindigul District.

: Respondents

PRAYER: Criminal Original Petition filed under section 482 of the Criminal Procedure Code, to direct the 1st respondent to withdraw the case in Crime No.31/2023, dated 19.01.2023 from the 3rd respondent and entrust the same to the 2nd Respondent or any other competent authority for fair and proper enquiry and pass such further or other orders.



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For Petitioner : Mr.I.Robert Chandra Kumar

For Respondents : Mr.B.Nambiselvan

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed by the petitioner seeking for direction to the 1st respondent to withdraw the case in Crime No.31/2023, dated 19.01.2023 from the 3rd respondent and entrust the same to the 2nd Respondent or any other competent authority for fair and proper enquiry.

2.The facts in brief:-

One Nachammal, who is the grand-mother of the petitioner, owned a land bearing Survey No.252/9 situated at Kurumpapatti Village, Dindigul District, measuring about 4.5 cents. In the above said extent, a house was constructed measuring 1056 sq. feet. Nachammal died in 2006. After that, the property was devolved upon his father and the family members were residing in that house. The house tax and electricity connection was also changed in the name of his father. Seeking right over the above said property, his Aunt namely Ayyammal and her son



Sakthivel created a Will in November, 2022. They trespassed into the land and threatened the family members. The above said Ayyammal has also lodged a complaint with the 3rd respondent, on 01/12/2022. Since threat has been made by Ayyammal and others, a representation was made by his father, on 02/02/2023. But no action was taken.

3.On 14/12/2022 Ayyammal and her son namely Sakthivel and his friend Balaji and others trespassed into the property and attacked the petitioner, his father and wife. So a complaint was given, on 14/12/2022 by his wife. But there was no action. Only CSR enquiry was conducted. On the next day, the 3rd respondent forced him to withdraw the complaint. Later, his father filed a suit in O.S No.407 of 2022 before the District Munsif court, Dindigul seeking several reliefs. On 30/12/2022, the above said Ayyammal and others trespassed into the property and caused assault to his brother Rajapandi and his father. Rajapandi lodged a complaint, but there was no action.



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4. Because of the continuous inaction on the part of the police, taking advantage of the same, again, on 19/01/2023, Ayyammal, her son Sakthivel and others, murdered Rajapandi. Over which, a case in Crime No.31 of 2023 for the offences punishable under sections 341, 323, 506(i) and 302 IPC was registered. Even after the registration of the case, no arrest was made so far. Continuous threat is also made by Ayyammal and others to withdraw the complaint. So a representation was sent to the 3rd respondent, on 31/01/2023. Even thereafter, there was no action. So the petitioner entertained doubt that they will not get proper justice at the hands of the 3rd respondent. So this criminal petition has been filed seeking transfer of investigation to some other competent authority.

5. Heard both sides.

6. It is an issue between the close relatives, over the property of one Nachammal, trouble has arisen between the petitioner's group and Ayyammal group. Over which, continuous complaints and counter complaints have been filed against each other.



7. According to the petitioner, three occurrences took place at the instance of Ayyammal and her son and others. More than one time, the petitioner, his father and family members were also assaulted by the above said group. In spite of repeated complaints, no proper action was taken. According to the petitioner, the murder took place because of the inaction on the part of the respondent police in not taking the timely action on their complaint.

8. Now the grievance of the petitioner is that even after the murder of Rajapandi, so-far no arrest was made. The 3rd respondent, who is the Investigating Officer has not properly conducted the investigation.

9. The entire CD file has been called for and the Investigating Officer was also directed to be present before this court and an enquiry was made. When this court made enquiry, he has stated that because of the above said property issue, continuous trouble has arisen between the parties, over which, complaint and counter complaint have been registered. A suit was also filed by the father of this petitioner for declaration. Pending



10. Perusal of the CD file also shows that a fair investigation has been undertaken by the 3rd respondent. Absolutely, I find no bias or lethargic attitude. Simply because of the earlier complaints given by both sides, there was not proper investigation, the investigation that has been undertaken by the 3rd respondent now cannot be doubted. But however, it is seen that the deletion report has been filed before the concerned court. So the petitioner has to work out his remedy before the appropriate forum. For that, notice must also be served to the petitioner over the deletion report. Since the viscera report remains to be received and if any further investigation is ordered by the concerned Magistrate on



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the protest petition to be filed by the petitioner, that may be monitored by the **Deputy Superintendent of Police, Dindigul Rural Sub-Division, Dindigul District**. Let the investigation be completed within a month from the date of receipt of a copy of this order and file a final report within a month. After receiving the deletion notice, as mentioned above, the petitioner may work out his remedy through appropriate proceedings.

11. With the above said liberty, this criminal original petition stands **disposed of**.

12.04.2023

Index : Yes/No
Internet : Yes/No
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To

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- 4.The Inspector of Police,
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Dindigul District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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G. ILANGO VAN, J

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Order made in
Crl.O.P(MD)No.4749 of 2023

Dated :12.04.2023