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Crl.O.P.(MD)No.5676 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.5676 of 2023

C.Godwin

... Petitioner

Vs.

1.The Inspector of Police,
Eraniel Police Station,
Kanniyakumari District.

2.The Superintendent of Police,
Kanniyakumari District,
Nagercoil.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the 2nd respondent to transfer the Investigation on the file of the 1st respondent in C.S.R No.123/2023 to any other competent authority to investigate the same.

For Petitioner : Mr.G.Cenil

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking direction to the 2nd respondent to transfer the Investigation on the file of the 1st respondent in C.S.R No.123/2023 to any other competent authority to



investigate the same.

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2.The grievance of the petitioner is that there was frequent occurrence of theft of tender coconuts from the garden belongs to the petitioner. On 23.01.2023 at about 05.00 p.m. some young persons tress passed into the property and stole the coconuts, they were chased away. So over the above said frequent occurrence, he made a complaint, over which, the above said CSR has been registered. But no proper enquiry was undertaken.

3.When the matter was taken up for hearing on 28.03.2023, the learned Additional Public Prosecutor submitted that only small children alleged to have entered into the property of the petitioner and tried to steal the coconuts. Except that there was no frequent occurrence. It is alleged that frequent occurrence of Ganja selling has been undertaken by some of the miscreants in the property, over which, the respondent was directed to make a site visit to the place of occurrence, conduct an enquiry and file a report. In pursuance of the above said direction the Inspector of Police, visited the place and made enquiry in the local area. From his enquiry it is reveals that nothing was found as it has been stated by the petitioner. It was found that because of the some trouble created



by the youngsters the above said complaint has been given.

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4.The learned counsel for the petitioner would submit that no enquiry was made by the respondents with the petitioner. Since nothing has been found by the respondent during the spot inspection, I find no reason to transfer the enquiry that is pending with the first respondent herein.

5.Let the above said CSR be disposed of by the respondent police, on its own merits and in accordance with law, within a period of fifteen (15) days from the date of receipt of a copy of this order.

6.With the above directions, this criminal original petition is disposed of.

17.04.2023

Index : Yes/No
Internet : Yes/No
TM
To

1.The Inspector of Police,
Eraniel Police Station,
Kanniyakumari District.

2.The Superintendent of Police,
Kanniyakumari District,



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Nagercoil.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

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