



Crl.O.P(MD) No.12032 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 03.07.2023

CORAM:

The Hon`ble Dr.Justice **D.NAGARJUN**

Crl.O.P.(MD)No.12032 of 2023

K.Akila

... Petitioner

Vs

1.The Superintendent of police,
Trichy District,
Trichy.

2.The Deputy Superintendent of police,
Musiri Taluk,
Trichy District.

3.The Sub Inspector of police,
Thuraiyur police station,
Trichy District.

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., to direct the 1st respondent to withdraw the complaint in C.S.R.No.340 of 2023 dated 10.06.2023 on the file of the 3rd respondent and entrust the same to any other office not below the rank of Deputy Superintendent of Police for investigation on the basis of the representation of the petitioner sent to the 1st respondent dated 13.06.2023.



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For Petitioner : Mr.N.Anandakumar

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

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ORDER

This Criminal Original Petition is filed seeking for a direction to transfer the enquiry pertaining to C.S.R.No.340 of 2023 dated 10.06.2023 pending with the third respondent and to entrust the same to other officer.

2. It is submitted that the petitioner's mother was assigned with 1.35 acres of land in the year 1993, since then the land has been in possession and enjoyment of the petitioner and her mother. However, some of the villagers intending to use the said land for some rituals of temple, requested the petitioner, for permission which the petitioner has refused. Aggrieved by the same, those persons have removed the construction materials from the said site deposited by the petitioner worth about Rs.52,000/- and during the process when the petitioner and his father tried to resist, those persons have caused harm to them and accordingly, a complaint has been given in C.S.R.No.340 of 2023, but no action is initiated by respondent police.



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3. The learned Additional Public Prosecutor on the other hand submits that on the advice of the police, Tahsildar / Executive Magistrate has initiated proceedings against the petitioner and others under Section 107 of Cr.P.C., and notices were issued wherein both the parties were directed to appear on 07.07.2023.

4. Even according to petitioner, the dispute between the petitioner and others is, on account of immovable property which is allegedly assigned to the mother of the petitioner. The petitioner is expected to approach the civil Court and file appropriate civil suit asserting his right. In case, if the third respondent is aggrieved, he may have to file a suit against the petitioner.

5. This Criminal Original Petition is closed with liberty to the petitioner to approach this Court, if any adverse order is passed.

03.07.2023

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

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DR. D.NAGARJUN, J.

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To

- 1.The Superintendent of police, Trichy District, Trichy.
- 2.The Deputy Superintendent of police, Musiri Taluk, Trichy District.
- 3.The Sub Inspector of police, Thuraiyur police station, Trichy District.

ORDER
IN

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