



CRL.O.P.(MD)No.13959 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2023

CORAM

**THE HONOURABLE DR.JUSTICE D.NAGARJUN**

**CRL.O.P.(MD)No.13959 of 2023**

Joe Reeves Kamalam

... Petitioner

Vs

1.The Superintendent of Police  
Kanyakumari District.

2.The Inspector of Police,  
Vadaseri Police Station,  
Kanyakumari District.  
(Crime No.82 of 2023)

3.The Inspector of Police,  
CBCID, Nagercoil,  
Kanyakumari District.

... Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to transfer the investigation agency from the second respondent to third respondent herein in pertaining to the case in Crime No.82 of 2023 on the file of the second respondent.

For Petitioner : Mr.S.Ramasamy

For R-1 to R-3 : Mr.SS.Madhavan  
Government Advocate (Criminal Side)

**ORDER**

This petition is filed under Section 482 of Cr.P.C. seeking for a  
direction to transfer the investigation from second respondent to third



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respondent pertaining to Crime No.82 of 2023 for the offences under Sections 147, 148, 448, 427 and 380 of I.P.C.

2. It is submitted by learned counsel for the petitioner that prior to registration of the case in Crime No.82 of 2023, the petitioner stated to have filed a complaint before the respondent Police and since there was no response, he has approached the learned Judicial Magistrate under Section 156 (3) of Cr.P.C., who has directed the respondent Police to file a complaint, basing on which, a crime stated to have been registered in Crime No.82 of 2023 for the offences under Sections 147, 148, 448, 427 and 380 of I.P.C. It is submitted that the respondent Police have not registered the case prior to approaching the learned Judicial Magistrate and prior to filing of the complaint before the respondent Police, there was a dispute between himself and his landlord, who is accused, but the Police have not taken his complaint and intervened only after demolition of the house.

3. Learned Government Advocate (Criminal Side) on the other hand submits that the petitioner though filed a complaint before the respondent Police and on enquiry, it was revealed that the dispute between them, is purely tenant and landlord dispute and thereby, they have not registered a case, however, upon directions given by the learned Judicial Magistrate, a case has been registered against the accused in Crime No.82 of 2023.



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4. It is submitted that during the course of investigation, Police examined about 11 witnesses and after the investigation, Police have concluded that the accused have not committed theft of any vehicle as alleged in the complaint.

5. On hearing of both sides and on going through the records, it is clear that the petitioner has not placed any material to show that the respondent Police are not investigating in proper lines, which requires this Court to consider the transfer of investigation.

6. Considering the circumstances, this Criminal Original Petition is dismissed by imposing a cost of Rs.5,000/- (Rupees Five Thousand only) to the petitioner to be paid to the High Court Legal Services Authority, Madurai Bench of Madras High Court.

**07.08.2023**

NCC:yes/no  
Index:yes/no  
Internet:yes/no

tsg



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**DR.D.NAGARJUN, J.**

tsg

To

- 1.The Superintendent of Police  
Kanyakumari District.
- 2.The Inspector of Police,  
Vadaseri Police Station,  
Kanyakumari District.  
(Crime No.82 of 2023)
- 3.The Inspector of Police,  
CBCID, Nagercoil,  
Kanyakumari District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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