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Crl.O.P.(MD)No.17008 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.09.2023**

CORAM:

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

Crl.O.P.(MD) No.17008 of 2023

Nizam Ansari

... Petitioner

Vs.

- 1.The Commissioner of Police,
O/o.The Commissioner of Police,
K.Puthur,
Madurai City.
- 2.The Assistant Commissioner of Police,
O/o.The Assistant Commissioner of Police,
Anna Nagar,
Madurai City.
- 3.The Inspector of Police,
Mattuthavani Police Station,
Madurai District.
Crime No.81 of 2023.
- 4.Sub-Inspector of Police,
Mattudhavani Police Station,
Madurai District.

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the first respondent to transfer the investigation to the respondent No.2 or to some other agencies and conduct the fresh investigation in Crime No.81 of 2023 on the file of the third respondent.



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For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.S.S.Madhavan
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition is filed seeking for a direction to the first respondent to transfer the investigation in Crime No.81 of 2023 from the file of the third respondent to any other Investigating Agency.

2. It is submitted by the learned counsel appearing for the petitioner/defacto complainant that the petitioner has filed a complaint against three persons for the offence of cheating. When the Police have not registered the case, the petitioner has approached the learned Magistrate and filed a complaint under Section 156(3) Cr.P.C. The learned Magistrate, having considered the same, has directed the Police to register the case and investigate as per the complaint. However, the allegation of the petitioner is that the fourth respondent Police, by name, Vellaidurai, have registered the FIR against two persons only by deleting the name of one person, by name, Ramachandran, who is stated to be working as Manager. It is submitted that the fourth respondent Police, in collusion with the said accused, has deleted his name.



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3. The learned Government Advocate (Criminal side) appearing for the respondents Police submits that there are many complaints received against the fourth respondent Police as he is not discharging his duties properly. It is further submitted that the Higher Officials will take necessary steps to see that the name of the other accused is also mentioned by way of filing of memo of alteration.

4. Considering the submissions made by both sides, the investigation in Crime No.81 of 2023 is taken over from the respondent No.4 and the respondent No.3 Police is directed to investigate Crime No.81 of 2023 hereafter.

5. Accordingly, this Criminal Original Petition is disposed of.

Index : Yes/No
Internet : Yes/No
ssb

25.09.2023



To

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- 1.The Commissioner of Police,
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Madurai City.
- 2.The Assistant Commissioner of Police,
O/o.The Assistant Commissioner of Police,
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- 3.The Inspector of Police,
Mattuthavani Police Station,
Madurai District.
Crime No.81 of 2023.
- 4.Sub-Inspector of Police,
Mattudhavani Police Station,
Madurai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN. J.

ssb

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