



CrI.O.P.(MD) No.19906 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.08.2023**

CORAM:

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

CrI.O.P.(MD) No.19906 of 2022

A.Mohammed Hanifa

...Petitioner

Vs.

1.The Superintendent of Police,
O/o. The Superintendent of Police,
Madurai District.

2.The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Madurai District.

3.The Inspector of Police,
Silaiman Police Station,
Madurai District.
(Crime No.546 of 2021)

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondent No.1 to withdraw the investigation in Crime No.546 of 2021 on the file of the respondent No.3 Police Station and transfer the same to respondent No.2.

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

For Respondents : Mr.SS.Madhavan
Government Advocate (CrI.side)



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ORDER

This petition is filed under Section 482 of Cr.P.C. seeking for transfer of investigation from respondent No.3 to respondent No.2 Police.

2. It is submitted by learned counsel for the petitioner that on a complaint given by the petitioner / *defacto* complainant that her grocery shop was broke opened on the intervene night of 2 and 3 of November, 2021 by a person by name, Raja, committed theft of Rs.1,98,000/- (Rupees One Lakh and Ninety Eight Thousand only). Though respondent Police have registered a case, there is no substantial progress in the investigation. It is also submitted by learned counsel for the petitioner that CCTV Camera Footage was also given to the Police, but, the respondent Police have not arrested anybody and not recovered the property. Therefore, sought for transfer of investigation.

3. Learned Government Advocate (Criminal Side) submitted that there is no progress in the investigation subsequent to registration of the FIR. No explanation is offered by the respondent Police as to why they are not proceeding with the investigation even though the *defacto* complainant is providing clues to



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the respondent Police. The attitude of the respondent Police is questionable and the erring police officers will have to be taken to task, if necessary by initiating disciplinary proceedings if at all the officer concerned have committed the dereliction of duties.

4. In view of the above, the Deputy Superintendent of Police, Oomatchikulam, Madurai District, is directed to takeover the investigation of this case which will be monitored by the Superintendent of Police, Madurai District and complete the investigation as expeditiously as possible. Copy of this order be sent to the Inspector General of Police, Madurai, Superintendent of Police, Madurai District and Deputy Superintendent of Police, Oomachikulam, for necessary action.

5. With the above direction, the Criminal Original Petition is disposed of.

21.08.2023

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
tsg



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DR.D.NAGARJUN. J.

tsg

To

- 1.The Superintendent of Police,
O/o. The Superintendent of Police,
Madurai District.
- 2.The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Madurai District.
- 3.The Inspector of Police,
Silaiman Police Station,
Madurai District.
(Crime No.546 of 2021)
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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