



W.P(MD)No.24219 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.24219 of 2023

A.Jeyakumar

... Petitioner

Vs.

1.The Commissioner of Police,
Tirunelveli City, Tirunelveli.

2.The Assistant Commissioner of Police,
Perumalpuram,
Tirunelveli District.

3.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 and 2 to transfer the investigation to some other Agency to conduct further enquiry on the complaint made by the petitioner dated 15.07.2023 on the file of the third respondent within the time stipulated by this Court.

For Petitioner : Mr.I.Robert Chandrakumar

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (CrI.Side)



W.P(MD)No.24219 of 2023

ORDER

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This Writ Petition has been filed to direct the respondents 1 and 2 to transfer the investigation to some other Agency to conduct further enquiry on the complaint made by the petitioner dated 15.07.2023 pending on the file of the third respondent within the time stipulated by this Court.

2.The learned counsel for the petitioner would submit that the petitioner lodged a complaint stating that one Muniyasamy S/o.Sudalaiyandi is illegally occupying the property of the petitioner. The said Muniyasamy has also filed a suit in O.S.No.20 of 2021 before the I Additional District Munsif Court, Tirunelveli and the same came to be dismissed on 23.03.2023 stating that the said Muniyasamy had not produced any document to prove that he is a legal occupant of the property in question.

3.The grievance of the petitioner is that the petitioner lodged the complaint on 03.09.2021 stating that the Munisyamy with the help of Kathirvel created forged rental agreement dated 07.07.2013 and when the



W.P(MD)No.24219 of 2023

petitioner asked the said Muniyasamy to vacate the premises, he threatened the petitioner with dire consequences. But so far, no action has been taken by the third respondent. Hence, the present petition has been filed.

4.The learned Government Advocate (Crl.Side) for the respondent police submitted that the complaint lodged by the petitioner had been closed stating that the civil suit is pending before the competent civil Court.

5.According to the petitioner, the suit filed by the said Muniyasamy is no way connected with the present criminal complaint, which is only with regard to forgery of the document. Even then, the respondent police closed the complaint citing the pendency of the said civil suit. Hence, he submitted that the complaint given by the petitioner has to be reopened.

6.Considering the facts and circumstances of the case, this Court directs the respondent police to reopen the complaint lodged by the petitioner and enquire the same in a proper manner after summoning the



W.P(MD)No.24219 of 2023

petitioner as well as the rival parties and complete the same within a period of fifteen days from the date of receipt of a copy of this order.

7. With the above said directino, this Writ Petition is disposed of.

16.10.2023

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

1. The Commissioner of Police,
Tirunelveli City, Tirunelveli.
2. The Assistant Commissioner of Police,
Perumalpuram,
Tirunelveli District.
3. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P(MD)No.24219 of 2023

G.ILANGOVA, J

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W.P(MD)No.24219 of 2023

16.10.2023