



W.P.(MD)No.9097 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2024

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.9097 of 2024

Parthipan

... Petitioner

Vs.

1.The Superintendent of Police,
Theni District.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Periyakulam Sub division,
Theni District.

3.The Inspector of Police,
Periyakulam Police Station,
Theni District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to transfer the investigation of the above said case in CSR No.117 of 2024 from the file of the third respondent police to the second respondent to conduct the proper investigation on the basis of the petitioner's complaint dated 26.02.2024.

For Petitioner : Mr.J.Vishnu

For Respondents : Mr.P.Kottaichamy
Government Advocate (Crl. side)



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ORDER

The petitioner has approached this Court for transfer of investigation.

2. The petitioner is said to have lodged a complaint before the third respondent police with a grievance that the third respondent police has not treated the complaint properly and has approached this Court to transfer the complaint from the file of the third respondent police to some other police.

3. In support of his case, the learned counsel for the petitioner has also relied on the Judgment of the H.P. State Consumer Disputes Redressal Commission, Shimla in ***Balbir Singh Rathour Vs. The Manager, ICICI Bank Limited.***

4. The learned Government Advocate (Crl. side) submits that the complaint pertains to a motorcycle that has been repossessed by the financier. The petitioner's brother has purchased the motorcycle, bearing Registration No.TN-60-AJ-2647, through hire purchase, from Hero Fincorp Ltd. The petitioner has failed to pay the dues and therefore, the financier has repossessed his vehicle, for which, he has lodged this complaint. The third respondent police



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has treated the complaint as a petition enquiry and in view of the hire purchase agreement, they have closed the complaint as 'civil in nature'.

5. Recording the submissions of the learned Government Advocate (Crl. side), this petition is closed with liberty to the petitioner to workout his remedy before the concerned Magistrate by way of filing a private complaint.

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

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To

- 1.The Superintendent of Police,
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Office of the Deputy Superintendent of Police,
Periyakulam Sub division,
Theni District.
- 3.The Inspector of Police,
Periyakulam Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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