



Crl.O.P.(MD)No.18833 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.18833 of 2022

R.Ramesh

... Petitioner

Vs.

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Dindigul District.
- 3.The Inspector of Police,
Nilakottai Police Station,
Nilakottai Taluk,
Dindigul District.

4.Poongodi

... Respondent

PRAYER:- Petition filed under Section 482 of Cr.P.C., to direct the first respondent to transfer the investigation of the petitioner's complaint, dated 23.10.2020 from the file of the third respondent to some other agencies, within the period as stipulated by this Court.

For Petitioner : Mr.S.Rabeek Raja

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor for R1 to R3

Mr.M.Sathiamoorthy for R4



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ORDER

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The Criminal Original Petition has been filed to direct the first respondent to transfer the investigation of the petitioner's complaint, dated 23.10.2020 from the file of the third respondent to some other agencies, within the period as stipulated by this Court.

2.The case of the petitioner is that his relative one Poongodi approached the petitioner for financial assistance for the medical treatment to her husband, who met with an accident in the year 2015 and received a sum of Rs.4,70,000/- on various dates. Thereafter, she failed to repay the amount. Hence, the petitioner lodged a complaint before the third respondent police and based on the complaint lodged by the petitioner in C.S.R.No.262 of 2012, the third respondent conducted enquiry and during the enquiry, the said Poongodi admitted the said amount paid Rs.1,00,000/- and promised to pay the remaining amount of Rs.3,70,000/- within one month and thereafter, she failed to pay the money. Therefore, the petitioner lodged another complaint before the first respondent and based on his complaint, he was called for enquiry and thereafter, no enquiry was conducted by the respondents police. On the other hand, the said Poongodi threatening the petitioner to withdraw the complaint. Hence, the present petition is filed.



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3.The learned counsel for the petitioner would submit that it is the duty of the respondents police to register a case against the accused persons. However, the respondents police have not registered a case, which is not sustainable one.

4.The learned Additional Public Prosecutor would submit that the complaint is not yet taken on file, because, the only remedy available to the petitioner is that he has to file an appeal under Section 154(3) of Cr.P.C., before the higher authority or file an application before the trial Court under Section 156(3) of Cr.P.C., instead of approaching this Court for transfer of complaint, which is not sustainable one.

5.In view of the above, the prayer sought for by the petitioner cannot be granted by this Court. Hence, this petition is dismissed with liberty to the petitioner to approach the appropriate forum.

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
Sji

16.02.2024



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To

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- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Dindigul District.
- 3.The Inspector of Police,
Nilakottai Police Station,
Nilakottai Taluk,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

Sji

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