



Crl.O.P.(MD)No.18640 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.18640 of 2022

Mohammed Hanifa

... Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai District.

2.The Assistant Commissioner of Police,
Tiruparankundram Circle,
Madurai District.

3.The Inspector of Police,
Tiruparankundram Police Station,
Madurai District.

4.The Inspector of Police,
Central Crime Branch,
Madurai City.

... Respondent

PRAYER:- Petition filed under Section 482 of Cr.P.C., to transfer the investigation to the fourth respondent relating to the petitioner's complaint given before the third respondent, dated 18.08.2022 within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor



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ORDER

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The Criminal Original Petition has been filed to transfer the investigation to the fourth respondent relating to the petitioner's complaint given before the third respondent, dated 18.08.2022 within the time stipulated by this Court.

2.The case of the petitioner is that the petitioner has started a car sale and running an agency in the name of 'Aniba Karsi' for the past 20 years. The petitioner's well-wisher one Syed Alavudhen residing in Pudhukottai District, who is also in the car business, has approached the petitioner stating that he has a Bolero Car for sale worth about Rs.9,20,000/-. On 10.07.2022, the said Syed Alavudhen introduced one Gajendran to the petitioner through a conference call. Thereafter, the petitioner agreed to buy the said Bolero car bearing Registration No.TN 39 CR 3903 to the tune of Rs.8,80,000/-. On 18.07.2022, the petitioner went to Theni to buy a Boler car, at that time, the said Gajendran contacted the said Syed Alavudhen and informed him that the car owner parked his car in Madurai, the petitioner would get a car at Madurai. Due to that, the petitioner waited at Madurai Mattuthavani bus stand. Thereafter, the said Gajendran contacted the said Syed Alavudhen and asked him to come to Thirunagar Avin Milk booth, near Reliance Petrol bulk, Madurai District. Thereafter, the petitioner went to the above said place, but the said Gajendran



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was not present in the said place. Instead of him, one R.Venkat introduced himself, as he is the car owner and his residence is Door No.216/1A, Vivekanandar Nagar, PC.Patti, Theni District. The said Venkat entered into a legal contract with the petitioner. Then, the petitioner paid a sum of Rs. 8,80,000/- and received a car key, RC book and other related documents. Subsequently, one Santhanam @ Paramasivam is willing to purchase the above said Bolero Car from the petitioner. The further case of the petitioner is that the said Santhanam @ Paramasivam drove the above said car and informed that the speed of car was only upto 80km. Thereafter, the petitioner contacted the said Syed Alavudeen and inquired about the said complaint and he informed the petitioner that as the car speed limit has been controlled by the car owner. Subsequently, the petitioner has spent Rs.60,000/- to repair the car. Later, the petitioner came to know that the said Syed Alavudeen, Gajendran, Venkat and Kumar had created a forged document (in this tampered Engine number and tampered chassis number of the car). Thereby, the petitioner lodged a complaint before the respondent police and the same was not taken on file. Hence, the present petition is filed.

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.



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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 limited 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

To

- 1.The Commissioner of Police,
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- 2.The Assistant Commissioner of Police,
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- 3.The Inspector of Police,
Tiruparankundram Police Station,
Madurai District.
- 4.The Inspector of Police,
Central Crime Branch,
Madurai City.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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