



Crl.O.P.(MD)No.20637 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20637 of 2024

Balasubramanian

... Petitioner

Vs.

1.The Superintendent of Police,
Karur District,
Karur.

2.The Inspector of Police,
Kulithalai Police Station,
Karur District.
Crime No.511 of 2024

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to issue direction to withdraw the case in Crime No.511 of 2024 dated 31.07.2024 on the file of the second respondent and entrust the same to any other competent officer for an investigation within the time stipulated by this Court and file a final report before the concerned Court.

For Petitioner	: Mr.R.Venkatesan
For Respondents	: Mr.A.Thiruvadikumar Additional Public Prosecutor



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ORDER

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The petitioner, who is the software engineer working at Chennai, on 19.06.2023, purchased the property situated at Shanmuga Nagaram in Plot No.4379, 4380, Sivayam North Village, Krishnarayapuram Taluk, Karur District and the same has been registered in Doc.No.2450, dated 19.06.2023. Thereafter, the petitioner had put up a small asbestos house using iron frame spending huge amount. On 30.03.2024, at about 01.15 pm., the petitioner received phone calls from Mobile NO.8524857762 and 9600450243 and they threatened the petitioner to remove the asbestos house in his property. Further, if the petitioner resists to vacate, they would remove on their own. This is at the instance of some quarryy owners this phone calls have been placed. The petitioner's property is adjacent to the quarrying area, where powerful musclemen with political connection and with the aid of police, they are carrying on illegal quarry. Their apprehension is that if the petitioner's house is there, their illegal activity would be curtailed. The respondent police failed to register FIR and hence, the petitioner had earlier approached this Court in W.P(MD).No.13934 of 2024 and this Court by order dated 28.06.2024 directed the petitioner to follow the procedure contemplated under



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Section 154 (3) of Cr.P.C., and thereafter, no action has been taken, to file a petition under Section 156(3) of Cr.P.C and to get a grievance address. Thereafter only, a case in Crime No.511 of 2024 for the offence under Section 379 of IPC was registered on 31.07.2024. Except for recording the mobile numbers of unknown persons, thereafter no investigation has been conducted. Hence, to find out the real fact and to retrieve the petitioner's property, the above petition has been filed.

2. The learned Additional Public Prosecutor submitted that on the complaint of the petitioner, FIR has been registered, so far four persons have been examined, but the investigation has hit a roadblock due to non disclosure of entire facts by the petitioner. The petitioner is making a bald allegation that the quarry owners are behind the theft. He fairly submitted that in this case though two suspected numbers have been collected, the respondent police have not conducted any investigation and call details, tower location and the owner of the SIM Card yet to be gathered. In view of the same, he submitted that the Deputy Superintendent of Police, Kuzhithalai, would be proper officer to conduct investigation in this case.



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3. Considering the submission and perused the materials placed, it is seen that the petitioner had been running from pillar to post right from stage of registration of case and till date he is yet to get any justice. Even offenders" identity has not been identified and the respondent police have not taken any steps to collect the basic details, despite the petitioner had provided mobile numbers and so far only four witnesses have been examined. In view of the same, this Court transferred the investigation in Crime NO.511 of 2024 from the file of second respondent to the file of Deputy Superintendent of Police, Kuzhithalai, who shall conduct investigation and complete the same within a period of six months and file final report in this case.

4. With the above direction, this Criminal Original Petition is allowed.

NCC : Yes / No
Index : Yes / No
Rmk

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To

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- 2.The Superintendent of Police,
Karur District,
Karur.
- 3.The Inspector of Police,
Kulithalai Police Station,
Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

Order made in
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