



Crl.O.P.(MD) No.23475 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 02.01.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.23475 of 2023

and

CrI.M.P.(MD) No.18255 of 2023

Periyanayaki

...Petitioner

VS

- 1.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Inspector of Police,
CBCID Police,
Sivagangai Range,
Sivagangai.
- 3.The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.
Crime No.291 of 2023
- 4.Kamala
- 5.Murugappan
- 6.Manju
- 7.Sivakumar



Crl.O.P.(MD) No.23475 of 2023

8.Pandiarasu

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to withdraw the investigation in Crime No.291 of 2023 pending on the file of the 3rd respondent police and transfer the same and entrust the investigation to the 2nd respondent with direction to investigate the case in accordance with law and with a direction to conduct further investigation within the period that may be stipulated by this Court.

For Petitioner : Mr.Abdul Wahab
For R1 to R3 : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to withdraw the investigation in Crime No.291 of 2023 from the file of the third Respondent Police and transfer the same to the file of the second Respondent.

2.The learned counsel for the petitioner submitted that the petitioner is the defacto complainant in Crime No.291 of 2023 on the file of the third respondent, the Inspector of Police, Devakottai Police Station. It is the submission of the learned counsel for the petitioner that the petitioner had



Crl.O.P.(MD) No.23475 of 2023

obtained loan from the fourth respondent and she had also repaid the same.

Still, the fourth respondent along with the respondents 5 to 8 trespassed into the petitioner's house and assaulted her intimidating her to part with her dwelling house towards settlement of the dues.

3.As per the submission of the learned counsel for the petitioner, the petitioner had already paid back the loan. Still they are putting pressure on her to part with her only property the dwelling house. On that pretext, they had intimidated her by causing bodily injury, for which she was admitted in the Hospital. Based on the intimation given by the Doctors at the Government Hospital, the third respondent had registered a case, but had conveniently left out the respondents 5 to 8 and not included the provisions of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act. Therefore, the petitioner seeks withdrawal of the FIR from the file of the third respondent and transfer the same to the file of any other Agency.

4.The learned Additional Public Prosecutor by way of reply submitted that the petitioner had executed a mortgage deed. Therefore, there is no question of invoking the provisions of Tamil Nadu Prohibition of Charging



Crl.O.P.(MD) No.23475 of 2023

Exorbitant Interest Act. She only wants to take her pledged jewels, for which she had approached this Court seeking directions to wriggle out of the case. The same cannot be accepted. The petition has no merit and is liable to be dismissed.

5.Considering the submission of the learned counsel for the Petitioner, the first Respondent/the Superintendent of Police, Sivagangai is directed to personally supervise the investigation in this case as to whether the Petitioner was assaulted by the Respondents 4 to 8. If the first Respondent is not satisfied with the investigation conducted by the third Respondent, he may issue suitable instructions to withdraw the case in Crime No.291 of 2023 from the file of third Respondent and appoint an Officer, who has credentials in conducting fair investigation.

6.With the above directions, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Internet:Yes./No
Index:Yes/No
mm

02.01.2024



Crl.O.P.(MD) No.23475 of 2023

To

WEB COPY

- 1.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Inspector of Police,
CBCID Police,
Sivagangai Range,
Sivagangai.
- 3.The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.23475 of 2023

SATHI KUMAR SUKUMARA KURUP, J.

mm

CRL.O.P (MD) No.23475 of 2023

02.01.2024