



CrI.O.P(MD).No.13764 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 15.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

CrI.O.P(MD).No.13764 of 2021

Dr.M.Jebamani

...Petitioner

Vs

1. The Superintendent of Police
Madurai District

2. The Inspector of Police
Nagamalai Pudukottai Police Station
Madurai District

3. The Inspector of Police
CBICD, No.7, Kamarajar Salai
2nd Street, Chinnachokkikulam
Madurai District

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to direct the first respondent to transfer the investigation in respect of the First Information Report in Crime No.859 of 2017 dated 26.11.2017 on the file of the second respondent and to file final report by conducting proper enquiry in accordance with law.

For Petitioner

: Mr.R.Venkatesan
for M/s. Right law Associates

For Respondents

: Mr.R.M.Anbunithi
Additional Public Prosecutor



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ORDER

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This petition is filed to direct the first respondent to transfer the investigation in respect of the First Information Report in Crime No.859 of 2017 dated 26.11.2017 on the file of the second respondent and to file final report by conducting proper enquiry in accordance with law.

2. The learned counsel appearing for the petitioner would contend that the petitioner has given complaint for theft of 74 sovereigns of gold jewels and Rs.20,000/- committed in his house before the second respondent and the second respondent has registered a case in Crime No.859 of 2017 dated 26.11.2017 for the offences under Sections 457,380 of IPC and still now they have not traced the real accused and the investigation was not conducted in a proper manner. Hence he prayer for transfer of investigation from the file of the second respondent to the third respondent or any other agency.

3.The learned Additional Public Prosecutor appearing for the respondents would contend that inspite of the best efforts taken by the second respondent the accused persons are untraceable and after investigation the case now has been closed as undetected.



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4. Considering the above said submission and considering the nature of offence and also the property involved in this case it is appropriate to transfer the investigation from the file of the second respondent to the Deputy Superintendent of Police, Samayanallur for investigating the case.

5. In view of the same, this Court directs the second respondent to hand over the case bundles in Crime No. 859 of 2017 to the Deputy Superintendent of Police, Samayanallur who in turn after receipt of case bundles is directed to investigate the case and file final report as early as possible within a period of two months from the date of receipt of case bundles.

6. With the above direction, the Criminal Original Petition is disposed of.

15.09.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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To

1. The Superintendent of Police
Madurai District
2. The Deputy Superintendent of Police
Samayanallur.
3. The Inspector of Police
Nagamalai Pudukottai Police Station
Madurai District
4. The Inspector of Police
CBICD, No.7, Kamarajar Salai
2nd Street, Chinnachokkikulam
Madurai District
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL,J.

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