

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.11363 of 2015

S.Thiyagarajan .. Petitioner
Vs

1.The Commissioner of Police
Office of the Commissioner of Police
Vepery, Chennai.

2.The Assistant Commissioner of Police
Ambattur,
Chennai 600 053.

3.The Inspector of Police
T-1, Ambattur Police Station
Ambattur
Chennai 600 053.

4.Central Bureau of Investigation
Haddows Road
Sastri Bhavan
Chennai 600 006.

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the investigation pending on the file of 2nd respondent in respect of complaint dated 31.07.2014 pertaining to the death of the petitioner's daughter Manimegalai on 30.07.2014 to the 4th respondent.

For Petitioner : Mr.A.Palaniappan
For respondents : Mr.C.Emalias,
Addl.Public Prosecutor

ORDER

This petition has been filed to transfer the investigation pending on the file of the second respondent in respect of complaint dated 31.07.2014 pertaining to the death of the petitioner's daughter Manimegalai on 30.07.2014, to the fourth respondent.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. It is seen that this petitioner filed W.P.No.25536 of 2014 for a similar relief and this Court by order dated 20.11.2014, directed the Assistant Commissioner of Police, Ambattur to take up the investigation in Ambattur Police Station Cr.No.1277 of 2014 and take action in accordance with law. Now this petitioner has come up with this petitioner for transferring the investigation from the file of the local police to the CBI.

4. The petitioner's daughter is the victim and therefore, the petitioner wants a fair investigation with regard to his daughter's death. The learned Additional Public Prosecutor represented that the Assistant Commissioner of Police conducted the investigation and has filed a Final Report before the Tahsildar, Ambattur, Chennai on 15.05.2015 dropping action in the case.

5. Under such circumstances, this Court directs the Tahsildar, Ambattur to forward the Closure Report and other documents submitted by the Investigating Officer to the jurisdiction Court, namely Judicial Magistrate, Ambattur, within two weeks from the date of receipt of a copy of this order. The respondent police is directed to give a copy of the Closure Report and other documents to the petitioner within a period of two weeks from the date of receipt of a copy of this order and the petitioner will be entitled to file a Protest Application before the learned Judicial Magistrate, Ambattur, who shall consider the same in accordance with the law laid down by the Supreme Court in Vinay Tyagi vs. Irshad Ali [2013(5) SCC 762].

With the above direction, this petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Commissioner of Police
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2.The Assistant Commissioner of Police
Ambattur, Chennai 600 053.

3.The Inspector of Police
T-1, Ambattur Police Station
Ambattur, Chennai 600 053.

4.Central Bureau of Investigation
Haddows Road, Sastri Bhavan
Chennai 600 006.

5.The Tahsildar
Ambattur, Chennai.

6.The Judicial Magistrate, Ambattur

1 cc to Mr..A.Palaniappan , Advocate Sr.No.28524
1 cc to the Public Prosecutor, High Court, Madras

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pmk.16.6.2015



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