

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.06.2015

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.1563 of 2015

K.Mahalingam

... Petitioner

Vs

1.The State of Tamil Nadu rep. by  
the Deputy Superintendent of Police,  
Dharapuram Taluk,  
Tirupur District.

2.The Inspector of Police,  
Dharapuram Police Station,  
Tirupur District.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C.,  
praying for a direction to transfer the investigation in Cr.No.1650  
of 2010 on the file of the 2<sup>nd</sup> respondent police to any other  
independent agency at the earliest point of time.

For Petitioner : Mr.S.Selvathirumurugan

For Respondents : Mr.C.Emalias, Addl. Public Prosecutor

O R D E R

This Criminal Original Petition has been filed praying for a  
direction to transfer the investigation in Cr.No.1650 of 2010 on  
the file of the 2<sup>nd</sup> respondent police to any other independent  
agency.

2. Heard the learned counsel for the petitioner and the  
learned Additional Public Prosecutor appearing for the respondents  
and perused the materials placed on record.

3. On 24.04.2015, this Court directed the Investigating  
Officer to be present before this Court with case diary.

4. Today, Mr.Somasundaram, Inspector of Police, Dharapuram  
Police Station, Tirupur District is present. It is seen that  
investigation has been completed and a Closure Report dated  
16.01.2015 is ready, but not filed before the jurisdictional  
Magistrate.

5. The respondent police is directed to file the Closure  
Report before the jurisdictional Magistrate within two weeks, from  
the date of receipt of a copy of this order and also furnish a copy

of the Closure Report and the statement that has been recorded by the respondent police to the defacto complainant/petitioner.

6. On receipt of the said entire documents, the defacto complainant is entitled to file Protest Application before the learned Judicial Magistrate, Dharapuram and the learned Magistrate is directed to take action in accordance with law as laid down by the Supreme Court in Vinay Tyagi Vs Irshad Ali reported in 2013 [5] SCC 762.

7. With the above observation, this Criminal Original Petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gya

To

1.The Deputy Superintendent of Police,  
Dharapuram Taluk,  
Tirupur District.

2.The Inspector of Police,  
Dharapuram Police Station,  
Tirupur District.

3.The Public Prosecutor,  
High Court, Madras.

+ 2 ccs to Mr.S.Selvathirumurugan, Advocate Sr.27524

सत्यमेव जयते

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KM(CO)  
EU 12.06.15

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