

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.21215 of 2015

M.Palanivel

... Petitioner

Vs

1. The Commisioner
Egmore
Chennai

2. The State
Represented by its
The Inspector of Police
St. Thomas Mount Police Station
Chennai - 600 016

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., to direct the first respondent to transfer the investigation into some other investigating agency in Crime No.193 of 2014 pending on the file of the 2nd respondent.

For Petitioner : Mr.B.Nedunchezhiyan

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

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed praying for a direction to the first respondent to transfer the investigation into some other investigating agency in Crime No.193 of 2014 pending on the file of the 2nd respondent.

2. Heard Mr.B.Nedunchezhiyan, learned counsel for the petitioner and Mr.C.Emalias, learned Additional Public Prosecutor appearing for the respondents.

3. The learned Additional Public Prosecutor submitted that the case in Crime No.193 of 2014 was registered by the respondent

police under Section 174 Cr.P.C. and after completing investigation, closure report has been sent to the Thasildar, Alandur on 27.08.2014 and the Thashildar, Alandur has also accepted the closure report on 17.12.2014. The petitioner is the father of the deceased and he is suspecting foul play in the death of his son.

4. Under such circumstances, this Court directs the Thasildar, Alandur to forward the police report and investigation papers to the learned Judicial Magistrate, Alandur within a period of one week from the date of receipt of a copy of this order. Liberty is given to the petitioner to file a protest application before the learned Judicial Magistrate, Alandur and on such application being filed, the same shall be enquired into and action shall be taken in accordance with the law laid down by the Hon'ble Supreme Court in Vinay Tyagi Vs Irshad Ali reported in 2013 [5] SCC 762.

With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vsm

To

1. The Commisioner
Egmore
Chennai
2. The Inspector of Police
St. Thomas Mount Police Station
Chennai - 600 016
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.B.Nedunchezhiyan, Advocate, S.R.No.45486

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PPA(CO)
CA(11/09/2015)