

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.21821 of 2015

V.Venugopal.

... Petitioner

Vs

1. The Commissioner of Police,
Salem City, Salem 636 002.

2. The Deputy Commissioner of Police (Crime),
Salem City, Salem 636 002.

3. The Inspector of Police
City Crime Branch, Salem City,
Salem.

4. The Sub-inspector of Police,
City Crime Branch, Salem City,
Salem.

.... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 3rd and 4th respondents to transfer the entire investigation records to CBCID, Salem City, Salem to investigate the case and file Final Report in Crime No. 15 of 2014, dated 02.09.2014 on the file of the 3rd and 4th respondents.

For Petitioner : Mr.G.K.Sekar,
For Respondents : Mr.C.Emalias,
Addl. Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking for a direction to the 3rd and 4th respondents to transfer the entire investigation records pertaining to Crime No. 15 of 2014 on their file to CBCID, Salem City, Salem and direct CBCID to investigate the case and file a final Report.

2. The petitioner is the defacto complainant, who lodged a complaint against one Srinivasan, Chinraj, Rajeswari and Kuralmani for the alleged offences punishable under Sections 420, 468, 471, 506(i) IPC before the 3rd and 4th respondents.

Since no action was taken on the said complaint, the petitioner moved a petition before this Court in CrI.O.P.No.19495 of 2014, wherein, by order, dated 25.7.2014, this Court directed the 3rd and 4th respondents to register the case. Pursuant to the said direction, a case in Crimem No.15 of 2015 has been registered. The grievance of the petitioner is that there is no considerable progress in concluding the investigation. Hence, the petition.

3. When this matter is taken up for consideration, the 4th respondent has filed a status report, wherein, it has been stated in para 8 as follows:

"8. It is submitted that based on the witnesses statement and also the investigation, I have come to the conclusion that as per the complaint, there was no such occurrence was made, hence, for the above said reason, I have closed the case in Crime No.15 of 2014 as "mistake of fact" and the same was served vide R.C.S.No.3/2015 to the defacto complainant/petitioner on 2.9.2015 and the same was acknowledged by the defacto complainant. The final report is also filed before the Judicial Magistrate Court, Salem on 27.8.2015."

4. The learned Additional Public Prosecutor would submit that on receipt of the complaint from the petitioner, the respondent/police have conducted the investigation in fair, free and impartial manner in accordance with law, which reveals that no prima facie material is available in respect of the allegations made by the petitioner and hence, it was closed as 'mistake of fact' and the same has been served to the petitioner. Hence, the learned Additional Public Prosecutor sought for dismissal of the petition as no further order is necessary.

5. In view of the above, while recording the submission made the learned Additional Public Prosecutor to the effect that the case in Crime No.15 of 2014 was investigated by the respondent police and the same was referred as 'mistake of fact', the criminal original petition is dismissed. However, the petitioner is at liberty to seek alternative remedy in the manner known to law, if he is so advised.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

rms/suk

To

1. The Commissioner of Police,
Salem City, Salem 636 002.

2. The Deputy Commissioner of Police (Crime),
Salem City, Salem 636 002.

3. The Inspector of Police
City Crime Branch, Salem City,
Salem.

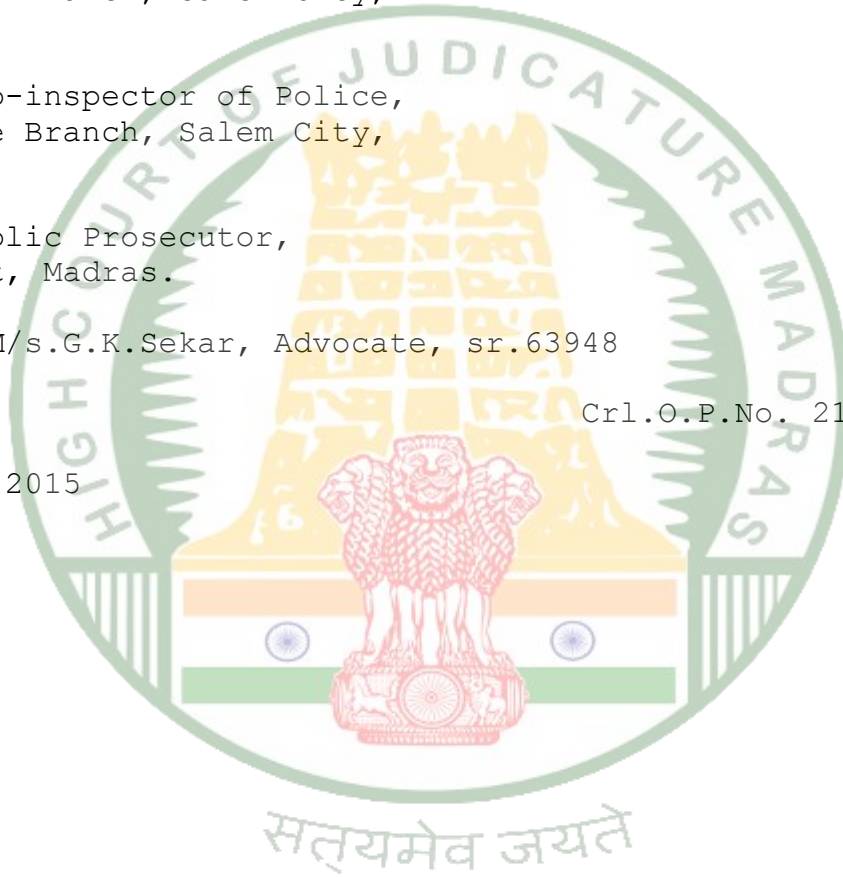
4. The Sub-inspector of Police,
City Crime Branch, Salem City,
Salem.

5. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.G.K.Sekar, Advocate, sr.63948

rsk co
kra 22.12.2015

Crl.O.P.No. 21821 of 2015



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