

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.20951 of 2013

D.Thangaraj

... Petitioner

Vs

1.State represented by
Its Commissioner of Police,
Chennai City Commissionerate,
Egmore, Chennai - 600 008.

2.The Inspector of Police,
P2 Otteri Police Station,
Chennai.

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the first respondent to transfer the case in Crime No.1170/2012 on the file of the second respondent to any other investigating agency under its control.

For Petitioner : No Appearance

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

ORDER

The petitioner is praying for transferring the investigation in Crime No.1170/2012 on the file of the second respondent to any other investigating agency on the ground that the investigation is very tardy.

2.There is no representation for the petitioner. Heard the learned Additional Public Prosecutor appearing for the respondents.

3.The second respondent has filed a status report wherein, in paragraph Nos.7 and 8, it has been held as follows:-

"7.I respectfully submit that, now the investigation is almost in a completion stage, awaiting for the relevant vital documents from the defacto complainant and as soon as receipt

of the above from from him, we will complete the investigation and lay a charge sheet against accused in accordance with law at the earliest. Hence, for the above said reasons, the case is still under investigation.

8.I respectfully submit that, so far, the second respondent police conducted the investigation in a free, fair and impartial manner and also in accordance with law. The second respondent police registered the case, conducted investigation and now it is in a crucial stage as per the details mentioned above. Hence, there is no necessity at this stage, to transfer the investigation in the case in Crime No.1170/2012 on the file of the second respondent to any other investigating agency under the control of the first respondent, as prayed by the petitioner in his petition."

4.In view of the above, the second respondent is directed to complete the investigation in Crime No.1170/2012 and file a final report, within a period of four months from the date of receipt of a copy of this order before the concerned Court, after due notice to the defacto complainant. Further, liberty is given to the defacto complainant to approach the learned Magistrate concerned, if he feels that the investigation is improper and file protest petition which shall be considered as per the law laid down by the Hon'ble Supreme Court in Vinay Tyagi v. Irshad Ali (2013 (5) SCC 762).

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

Sd/-

Assistant Registrar(CS III)

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jbm

To

1.The Commissioner of Police,
Chennai City Commissionerate,
Egmore, Chennai - 600 008.

Sub Assistant Registrar

WEB COPY

2.The Inspector of Police,
P2 Otteri Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

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KGK(CO)
CA(03/07/2015)



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