

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2015

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Cr1.O.P.No.4448 of 2015

K.S.Antony Rajesh

... Petitioner

Vs.

1. The Commissioner of Police,
Chennai City Police,
Vepery, Chennai - 600 007
 2. The Deputy Commissioner of Police
Ambattur Range,
Ambattur, Chennai - 600 053
 3. The Assistant Commissioner of Police,
SRMC Range,
Porur, Chennai - 600 056
 4. The Inspector of Police
T-14, Mangadu Police Station,
Mangadu, Chennai - 600 122
- Respondents

Prayer:- Petition has been filed under Section 482 of Cr.P.C. to pass an order transferring the investigation of the case in T-14, Mangadu Police Station in Crime No.1195 of 2014 from the file of Mr.Mathiazhagan, 4th respondent to any other officer and the investigation to be monitored by a superior officer and the final report to be filed within a time frame to be fixed by this Court.

For Petitioner : Mr.A.D.Jagadish Chandira

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The petitioner has filed this petition to pass an order transferring the investigation of the case in Crime No.1195 of 2014 from the file of Mr.Mathiazhagan, 4th respondent to any other officer and the investigation to be monitored by a superior officer and the final report to be filed within a time frame.

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

3.The learned Additional Public Prosecutor submits that the case was investigated and closure report has been filed as 'Mistake of fact' before the concerned learned Magistrate, namely, learned Judicial Magistrate, Sriperumpudur on 12.03.2015.

4.A copy of the closure report has been furnished to the learned counsel for the petitioner by the learned Additional Public Prosecutor across the bar. Learned counsel for the petitioner relied upon the Judgment of the Supreme Court in Vinay Tayagi V. I.Rshad Ali Alias Deepak and others reported in 2013(5) SCC 762 and prayed for further investigation. Since closure report has been filed, this Court should not usurp the jurisdiction of the trial court.

5.Recording the said submission of the learned Additional Public Prosecutor, this Petition is closed with a liberty to the petitioner/defacto complainant to approach the concerned Magistrate and file a protest application in accordance with law.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Commissioner of Police,
Chennai City Police,
Vepery, Chennai - 600 007
2. The Deputy Commissioner of Police
Ambattur Range,
Ambattur, Chennai - 600 053
3. The Assistant Commissioner of Police,
SRMC Range,
Porur, Chennai - 600 056
4. The Inspector of Police
T-14, Mangadu Police Station,
Mangadu, Chennai - 600 122
5. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.A.D.Jagadish, Advocate SR.19349

AK(CO)

EU 20.04.2015