



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.11.2015

CORAM

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

WEB COPY

Cr1.O.P.(MD)No.22024 of 2015

R.Varadharajan ... Petitioner/Defacto Complainant

-Vs-

1.The Superintendent of Police,
Trichy District, Trichy.

2.The Inspector of Police,
District Crime Branch,
Trichy District,
Trichy.

... Respondents/Complainant

PRAYER: Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the first respondent herein to transfer the investigation of the case in Crime No.22 of 2015 from the second respondent herein to any other suitable investigation officer to conduct the enquiry and file a final report before this Court within the time stipulated by this Court and pass such other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.B.Arun

For Respondents : Mr.A.P.Balasubramani

Govt.Advocate (crl.side)

O R D E R

The petitioner has come forward with this petition seeking for a direction, directing the first respondent herein to transfer the investigation of the case in Crime No.22 of 2015 from the second respondent herein to any other suitable investigation officer to conduct the enquiry and file a final report before this Court within the time stipulated by this Court.

2. When the matter is taken up for hearing, learned Government Advocate (Criminal Side), on instructions, would submit that after due enquiry, the complaint was closed as 'mistake of fact' and referred charge sheet has been filed in R.C.S.No.5 of 2015 and referred charge sheet notice has also been served on 20.09.2015. If any protest petition is filed by the petitioner, the same will have to be considered by the court below in the light of the principles laid down by the Apex Court in **Bhagwant Singh Vs. Commissioner of Police and Another** reported in (1985 (2) SCC 537) and in **Abhinandan Jha : Roopchand Lal Vs. Dinesh Mishra : State of Bihar** reported in (1967 0 Supreme (SC) 141).



3. Recording the submission of the learned Government Advocate (Criminal Side), this Criminal Original Petition is disposed of.

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/True copy/

Sd/-

Assistant Registrar (CO)

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

CM

To,

1.The Superintendent of Police,
Trichy District, Trichy.

2.The Inspector of Police,
District Crime Branch,
Trichy District, Trichy.

3.The Additional Public Prosecutor,
Madurai Bench of madras High Court,
Madurai.

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rg.SK-SKN 08.12.2015 2P/4C