

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.13077 of 2016

M.Balakrishnan

.. Petitioner/Defacto
Complainant

Vs

State rep by
The Inspector of Police,
Palaiyur Police Station,
Nagapattinam District.

..Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the investigation in Crime No.30 of 2016 on the file of the respondent to any other investigation agency of the State particularly CBCID.

For Petitioner : Mr.S.Sadasharam
For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This petition has been filed to transfer the investigation in Crime No.30 of 2016 pending on the file of the respondent to any other investigation agency.

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

3. On the complaint lodged by the petitioner, the respondent police have registered a case in Crime No.30 of 2016 for offences under Sections 147, 148, 294[b], 324 and 379 IPC and Section 3[i] of TNPPDL Act, against four accused. Out of four accused, two of them were arrested and the other two were released on anticipatory bail.

4. It is the grievance of the petitioner that the complaint discloses the commission of higher offences like offence under Section 307 IPC, which has not been added in the FIR.

5. On a close perusal of the FIR, this Court finds that there is no serious infirmity as alleged by the petitioner, warranting transfer of investigation. That apart, the police have included offence under Section TNPPDL Act, which is triable by the Sessions Court.

6. Under such circumstances, the respondent police is directed to proceed with the enquiry and during the course of enquiry, if evidences relating to serious offences surface, it is needless to state that the same shall be included in the final report.

With the above direction, this petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The The Inspector of Police,
Palaiyur Police Station,
Nagapattinam District.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.S.Sadasharam Advocate sr.35360/16

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