

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. No.14251 of 2016

R.V. Sudharshan

Petitioner / Defacto complainant

vs.

1 The Inspector of Police
City Crime Branch
Coimbatore City
Coimbatore
(in Crime No.70/2015 dated 30.10.2015)

2 The Inspector of Police
Organized Crime Unit-CB CID
Coimbatore Range
No.800 Avinashi Road
A.R. Rural Police Quarters Compound
Coimbatore 641 018

Respondents / Complainants

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to transfer the investigation in Crime No.70 of 2015 on the file of the first respondent police to the second respondent police.

For petitioner Mr. V. Raghavachari
for Mr. D. Raja

For respondents Mr. C. Emalias
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to transfer the investigation in Crime No.70 of 2015 on the file of the first respondent police to the second respondent police.

2 Today, when the matter was taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents submitted that the investigation has been completed and the case has been closed as "mistake of fact". He further submitted that a copy of the RCS notice has been served on the petitioner/de facto complainant, which has been refuted by the learned counsel for the petitioner.

3 However, a copy of the RCS notice and closure report have been served on the learned counsel for the petitioner across the Bar.

4 In view of the above, liberty is granted to the de facto complainant to file protest application before the Judicial Magistrate No.3, Coimbatore and on such application being filed, the same shall be considered in the light of the law laid down by the Supreme Court in *Vinay Tyagi vs. Irshad Ali*, [(2013) 5 SCC 762].

With the above observation, this Criminal Original Petition is closed.

cad

Sd/-
Assistant Registrar (CS-)

/TRUE COPY/

Sub-Assistant Registrar

To

- 1 The Inspector of Police
City Crime Branch
Coimbatore City
Coimbatore
(in Crime No.70/2015 dated 30.10.2015)
- 2 The Inspector of Police
Organized Crime Unit-CB CID
Coimbatore Range
No.800 Avinashi Road
A.R. Rural Police Quarters Compound
Coimbatore 641 018
- 3 The Public Prosecutor
Madras High Court
Chennai 600 104
- 4 The Judicial Magistrate No.3,
Coimbatore

Crl.O.P. No.14251 of 2016

NMI

MSI 08/11/2016

WEB COPY