

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.23489 of 2010

R.Damodaran ... Petitioner/Defacto
Complainant

Vs

State rep.by
The Sub Inspector of Police,
Melpatti Police Station,
Gudiyatham Taluk,
Vellore District. ... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the investigation to some other police station or other agency in respect of Crime No.131 of 2008 on the file of Sub Inspector of Police, Melpatti, Guidyatham Taluk and investigate the same and file the final report.

For Petitioner : Mr.D.Rajagopal
For Respondent : Mr.C.Emalias,
Addl.Public Prosecutor

ORDER

This petition has been filed to transfer the investigation to some other police station or other agency in respect of Crime No.131 of 2008 on the file of the Sub Inspector of Police, Melpatti, Guidyatham Taluk and investigate the same and file the final report.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. The petitioner filed a private complaint before the Judicial Magistrate, Gudiyatham in Crl.M.P.No.8030 of 2007 under Section 156(3) Cr.P.C., which was referred to the respondent police. Pursuant to that, the respondent police have registered a case on 18.09.2008 in Cr.No.131 of 2008 for the offences

under Sections 448 and 506(ii) IPC and Section 3 of TNPPD Act, against the accused. The petitioner has filed a petition in CrI.O.P.No.1581 of 2010 for a direction to the respondent police to file a final report in Cr.No.131 of 2008 and this Court has passed the following order :

2. Learned Additional Public Prosecutor submits that on the complaint given by the petitioner, a petition enquiry has been conducted and ultimately, it has been referred as mistake of fact on 30.09.2009.

3. Recording the above submission, this petition is closed. However, the petitioner is at liberty to proceed against the proposed accused before the appropriate forum.

Thereafter, the petitioner filed a copy application before the Judicial Magistrate, Gudiyatham for getting closure report. But the copy application was returned on the ground that closure report has not been filed. Therefore, the petitioner has come forward with the present petition for a direction to transfer the case in Cr.No.131 of 2008 to any other police station.

4. This Court gave its anxious consideration to the rival submissions.

5. On a reading of the FIR, it is seen that on 10.08.2007, the accused entered into the property of the petitioner and caused damage to some trees through JCB.

6. Considering the nature of the allegation in the FIR, I am of the view that it does not warrant transfer of the investigation as prayed for by the petitioner.

7. Accordingly, this petition is dismissed.

8. At this juncture, the learned Additional Public Prosecutor submitted that the respondent police are intending to close the FIR.

9. Under such circumstances, this Court directs the respondent police is directed to serve the RCS notice on the petitioner and file the closure report before the jurisdictional Magistrate, within a period of four weeks from the date of receipt of a copy of this order.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

kkd

To

- 1.The Sub Inspector of Police,
Melpatti Police Station,
Gudiyatham Taluk,
Vellore District.
- 2.The Public Prosecutor
High Court, Madras.

+1 CC to M/s. D. Raja Gopal, Advocate Sr.No.54118

Cr1.OP No.23489 of 2010

UG (CO)
MD : 18/10/2016

सत्यमेव जयते

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