

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2016

CORAM:

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

CrI.O.P. No.24905 of 2016

Kabib

...Petitioner

vs.

The Inspector of Police
B-1, North Beach Police Station
Chennai

....Respondent

Criminal Original Petition filed under Section 482, Cr.P.C. seeking a direction to transfer the investigation in FIR No.497 of 2014 on the file of the Inspector of Police, B-1, North Beach Police Station, viz., the respondent police and transfer the same to CB-CID police or any other investigating agency to investigate the same.

For Petitioner : Mr. V.S. Kesavan

For Respondent : Mr. C. Emalias,
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to transfer the investigation in FIR No.497 of 2014 on the file of the respondent police to CB-CID police or any other investigating agency to investigate the same.

2 Mr. P. Rajendran, S.S.I. of Police, B-1, North Beach P.S. is present.

3 Today, when the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that the respondent police registered two cases, viz., Cr. Nos.497 and 498 of 2014, which appear to be case and counter, in respect of

a scuffle that took place in the jamath on 30.06.2013. He further submitted that the case in Cr.No.497 of 2014 was registered for offences under Section 153-A(ii) read with Section 506 (ii), IPC and the case in Crime No.498 of 2014 was registered for offences under Sections 153-A and 427, IPC. After completing the investigation, the police filed a single final report against two accused in "A" party and one accused in "B" party for an offence under Section 160, IPC before the VII Metropolitan Magistrate Court, George Town, Chennai, but, the same was returned directing the police to file two final reports.

4 In the considered opinion of this Court, in cases of affray, a single final report would suffice, as affray, by itself, is a substantive evidence under Section 160, IPC. Further, given the nature of allegation in the FIR, this is not a fit case for transfer to CB-CID or any other investigating agency.

5 Therefore, the respondent police is directed to re-present the final report before the VII Metropolitan Magistrate Court, George Town, Chennai, within a period of four weeks from the date of receipt of a copy of this order, through the Assistant Public Prosecutor of the Court, to explain to the Court, the legal position in this regard.

This Criminal Original Petition is closed with the above direction.

Sd/-
Assistant Registrar(CCC)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

cad

WEB COPY

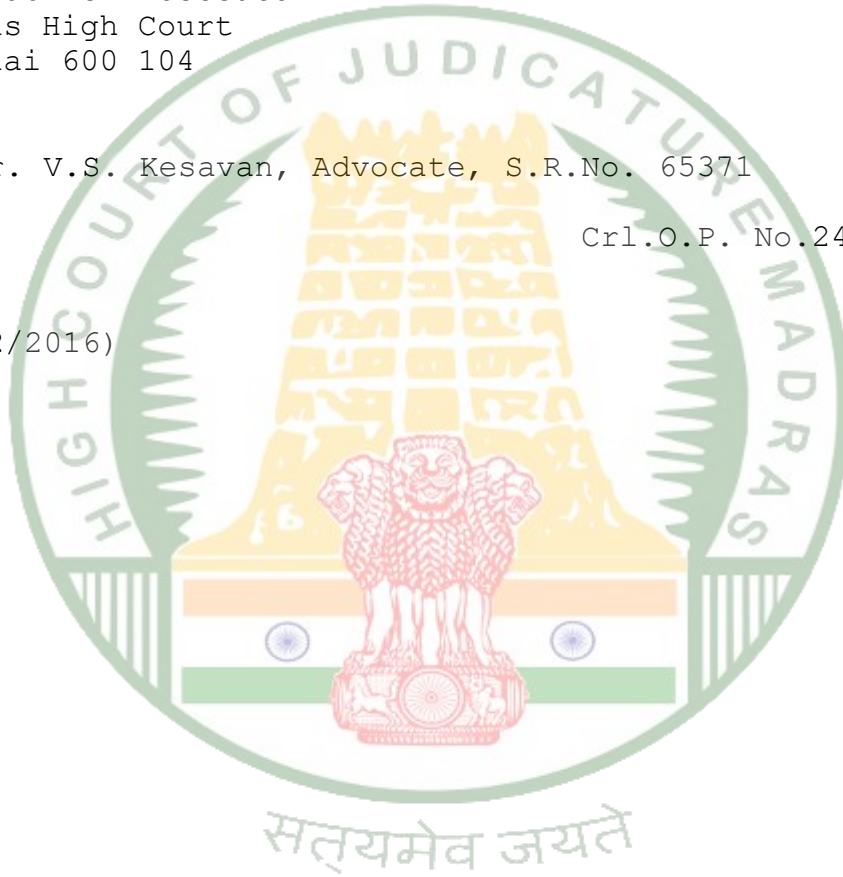
To

- 1 The Inspector of Police
B-1, North Beach Police Station
Chennai
- 2 The VII Metropolitan Magistrate
George Town
Chennai
- 3 The Public Prosecutor
Madras High Court
Chennai 600 104

+1cc to Mr. V.S. Kesavan, Advocate, S.R.No. 65371

Crl.O.P. No.24905 of 2016

CNR (CO)
PSI (02/12/2016)



WEB COPY