

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2016

CORAM:

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

CrI.O.P. No.25629 of 2016

P.Mathiazhagan Petitioner

Vs.

- 1 The State Rep. by its
 The Inspector of Police
 Crime Ariyaloor Police Station
- 2 The Superintendent of Police
 Ariyaloor District,
 Ariyaloor Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to allow this Criminal O.P. and direct the transfer of investigation in the case in Cr.No.625 of 2016 from the file of the Ariyaloor Police Station to some other Officer or Agency for investigation and disposal in accordance with law.

For petitioner	Mr.R.Srinivas
For Respondents	Mr. C. Emalias
	Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to allow this petition and direct transfer of investigation in Cr.No.625 of 2016 from the file of the Ariyaloor Police Station to some other Officer or Agency for investigation and disposal in accordance with law.

2. The petitioner-Mathiazhagan, presented a complaint before the Judicial Magistrate, Ariyalur, in Cr.MP.No.6548 of 2016 and on the directions of the Judicial Magistrate, Ariyalur u/s.156 (3) Cr.P.C., the respondent police registered a case in Crime No.625 of 2016 on 07.11.2016, u/s.379, 380, 334 & 427 IPC against Pushpa, Mani, Rajendran and Viji. Not satisfied with the progress of investigation, Mathiazhagan is before this Court for transferring the investigation from the file of the Inspector of Police, Ariyalur Police Station to any other agency.

3. Heard Mr.R.Srinivas, learned counsel for the petitioner and Mr.C.Emalias, learned Additional Public Prosecutor for the State.

4. The learned counsel for the petitioner submitted that the police initially did not take up his complaint and only after he had approached the Magistrate, the FIR in this case has been registered.

5. Per contra, learned Additional Public Prosecutor submitted that the accused in this case are none other than the close relatives of Mathiazhagan, inasmuch as Pushpa is his sister-in-law and Mani is her nephew and that on account of some family dispute, Mathiazhagan has lodged the present complaint implicating them.

6. The aforesaid submission is strongly refuted by the learned counsel for the petitioner.

7. Taking into consideration the nature of the allegations in the FIR, this Court is of the view that this is not a fit case to quash the proceedings. However, the Deputy Superintendent of Police is directed to monitor the investigation in Cr.No.625 of 2016 and if it is found that the allegations therein are not true, it is needless to state that the case should be closed under due intimation to Mathiazhagan. The respondent police is directed to complete the investigation expeditiously.

Accordingly, this petition is closed.

25.11.2016

ELP/GMS

To

- 1 The Inspector of Police
Crime Ariyaloor Police Station
- 2 The Superintendent of Police
Ariyaloor District,
Ariyaloor.
3. The Public Prosecutor
High Court of Madras
Chennai 600 104

P.N.PRAKASH,J,

ELP/GMS

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