

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.4211 of 2016

E.Chandrasekaran

.. Petitioner

... Vs ...

1. The Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai,
Vepery,
Chennai.

2. The Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai - 600 100.

.. Respondents

Prayer:- Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to direct the first respondent to transfer the Investigation of the complaint dated 20.07.2014 in Crime No.1084/2014 from the second respondent police to the Central Crime Branch, Egmore, Chennai, for further Investigation.

For Petitioner : Mr.Kingsly Solomon.J.

For Respondents: Mr.C.Emalias,
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition under Section 482 of Code of Criminal Procedure, seeking for a direction directing the first respondent police to transfer the Investigation of the complaint dated 20.07.2014 in Crime No.1084/2014 from the second respondent police to the Central Crime Branch, Egmore, Chennai, for further Investigation.

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

3. The learned counsel for the petitioner would submit that on the basis of the complaint given by the petitioner, a case has been registered in Crime No.1084 of 2014, on 25.07.2014, for the offences punishable under Sections 147, 363, 323 and 506(i) of IPC. However, the respondents police have not shown any interest to investigate the matter and lay a final report. It is further submitted by the learned counsel for the petitioner that the petitioner has filed a petition in CrI.O.P.No.17111 of 2015 and in the said petition, a direction was issued by this Court to the second respondent herein on 10.07.2015, to complete the investigation and file a final report as expeditiously as possible. The learned counsel also submitted that only R.C.S. Notice 11/2015 has been served on the petitioner, but, the respondents police have not filed the same before the Court and hence, the petitioner has come up with the present petition for the relief as stated above.

4. Resisting the same, the learned Additional Public Prosecutor would submit that as per the direction given by this Court on 10.07.2015 in CrI.O.P.No.17111 of 2015, investigation has been completed and the complaint given by the petitioner has been closed as mistake of fact and R.C.S. notice has been served and the same was not filed before the Court and hence, he prayed for dismissal of the petition.

5. Considering the rival submissions made on both sides and also considering the fact that already, the investigation has been over and the complaint given by the petitioner was closed as mistake of fact and the petitioner also has received the same, the petitioner is given liberty to agitate the same before the concerned Magistrate's Court by way of filing the protest application, after receipt of notice from the Court.

6. The Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar

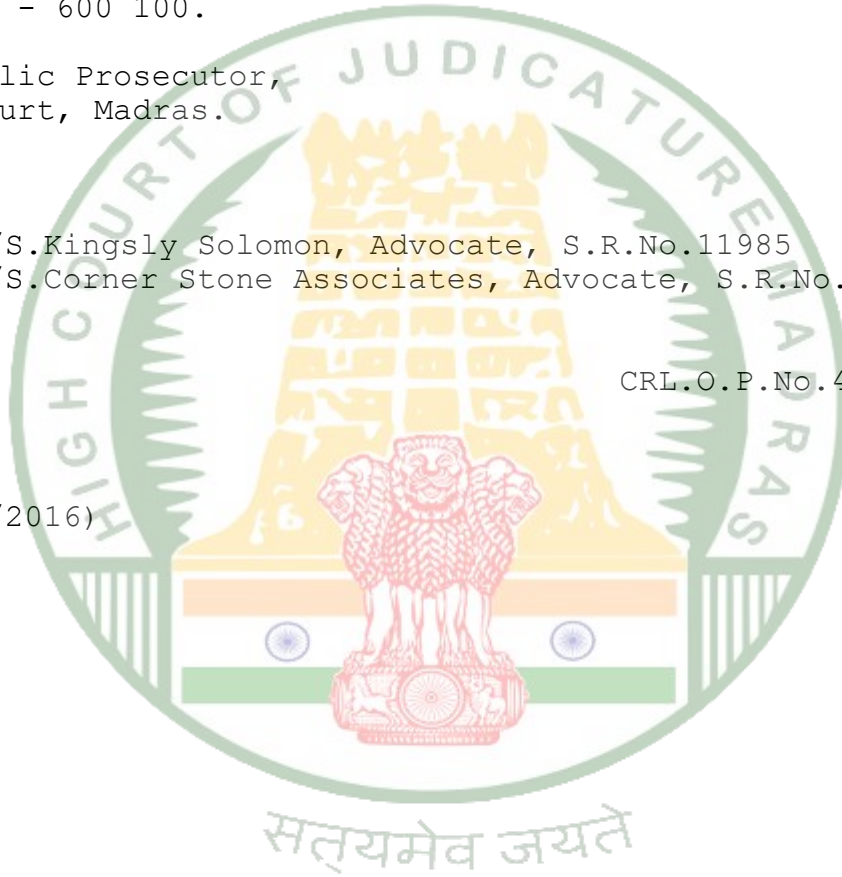
To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai,
Vepery,
Chennai.
2. The Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai - 600 100.
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/S.Kingsly Solomon, Advocate, S.R.No.11985
+1cc to M/S.Corner Stone Associates, Advocate, S.R.No.11832

CRL.O.P.No.4211 of 2016

ppa (CO)
srg (15/03/2016)



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