

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.6254 of 2016

And

Crl.M.P.No.3231 of 2016

V.Prakash

... Petitioner

Vs.

- 1.The Director General of Police,
Tamil Nadu.
- 2.The Superintendent of Police
Dharmapuri District.
- 3.The Deputy Superintendent of Police
Dharmapuri District.
- 4.The Inspector of Police,
Perumbalai Police Station
Dharmapuri.
- 5.The Director General
Central Bureau of Crime Investigation Department,
SIDCO Electronics Complex,
Block No.3, First Floor,
Guindy Industrial Estate,
Chennai - 32.

... Respondents

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the first respondent to transfer/refer the investigation in FIR No.197 of 2012 dated 11.12.2012 to the file of the Special Crime Branch, Central Bureau of Investigation and further direct the Special Crime Branch, Central Bureau of Investigation to reinvestigate the case with respect to FIR No.197 of 2012 dated 11.12.2012.

For Petitioner : Mr.I.Abrar Md Abdullah
For Respondents: Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking a direction to the first respondent to transfer the investigation in FIR No.197 of 2012 dated 11.12.2012 to the file of the Special Crime Branch, Central Bureau of Investigation.

2.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor.

3.The learned counsel appearing for the petitioner would submit that the respondent has not investigated the matter in proper direction. He would further submit that the accused has been enlarged on anticipatory bail and they have not obeyed the condition imposed. Hence, he filed application for cancellation of bail and the bail has been cancelled and even then the accused have not yet been arrested. He further submitted that the petitioner has filed application under the Right to Information Act on 10.12.2015 and it was subsequently stated that enquiry has been conducted and it was referred as mistake of fact and in another reply on 31.12.2015, it is stated that investigation is going on. He further submitted that one of the accused is the brother of the Public Prosecutor and all the others are relatives and hence investigation has to be done in proper direction. Hence, the petitioner has come forward with this petition.

4.The learned Additional Public Prosecutor submitted that already investigation was over and referred as mistake of fact and RCS notice placed before the Court and Court also sent notice to the defacto complainant for appearance on 01.04.2016 and hence, prayed for the dismissal of the petition.

5.Considering the rival submissions on both sides, even though contradict statement has been given by the Superintendent of Police, Dharmapuri District, document reveals that already final report was filed as mistake of fact and notice has been issued to the defacto complainant directing to appear before the Court on 01.04.2016. In such circumstances, I do not find any reason to order for transfer and this Criminal Original

Petition is dismissed. The petitioner is at liberty to work out the remedy before the appropriate forum. Consequently, the connected miscellaneous petition is also closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Director General of Police,
Tamil Nadu.
- 2.The Superintendent of Police
Dharmapuri District.
- 3.The Deputy Superintendent of Police
Dharmapuri District.
- 4.The Inspector of Police,
Perumbalai Police Station
Dharmapuri.
- 5.The Director General
Central Bureau of Crime Investigation Department,
SIDCO Electronics Complex,
Block No.3, First Floor,
Guindy Industrial Estate,
Chennai - 32.
- 6.The Public Prosecutor
High Court, Madras.

+1 cc to Mr.I.Abrar Md.Abdullah Advocate sr.17676

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And
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aa31/03/2016