



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **B.GOKULDAS**

CrI.O.P.(MD).No.12085 of 2016 &
CrI.M.P.(MD).No.5756 of 2016

M.Tamilarasan .. Petitioner

Vs.

1.The Inspector General of Police,
South Zone, Natham Road,
Madurai.

2.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

3.The State,
Rep. by Inspector of Police,
Karivalamvandhanallur Police Station,
Tirunelveli District.
(Crime No.134 of 2016)

4.Mr.Kalai Kathiravan,
Inspector of Police,
Karivalamvandhanallur Police Station,
Tirunelveli District.

5.The Joint Director and Head of Zone,
Central Bureau of Investigation,
III Floor, E.V.K. Sampath Building,
College Road, Chennai-600 006.

.. Respondents

Prayer:- Criminal Original Petition is filed under Section 482 Cr.P.C. to direct the second respondent to withdraw the case in Crime No.134/2016, dated 10.05.2016 pending on the file of the 3rd respondent police and entrust the same to the 5th respondent for investigation of the case by a competent officer and file a final report before the learned jurisdictional Magistrate, within the time limit stipulated by this Court.

For Petitioner : Mr.G.Thalamutharasu

For Respondents :Mrs.S.Prabha, for R1 to R3

Government Advocate (Criminal Side)

Mr.T.Antony Arul Raj for R4

Mr.S.Jayakumar for Special Public Prosecutor
for CBI cases for R5

**ORDER**

This criminal original petition is filed to direct the second respondent to withdraw the case in Crime No.134/2016, dated 10.05.2016 pending on the file of the 3rd respondent police and entrust the same to the 5th respondent for investigation of the case by a competent officer and file a final report before the learned jurisdictional Magistrate

2. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondents 1 to 3 and the learned counsel for the fifth respondent.

3. The learned counsel for the fifth respondent submitted that investigation could be assigned to the fifth respondent without any proper reason and necessity. This Court is of the view that the said submission has some force to consider.

4. Admittedly, the petitioner is arrayed as one of the accused in Cr.No.134 of 2016. As per the status report filed by the learned Government Advocate (Criminal Side) appearing for the respondents 1 to 3, the case is being taken cognizance in P.R.C.No.22 of 2016 by the learned Judicial Magistrate, Sankarankovil. Therefore, now the case is not in the stage of investigation. On completion of the investigation, charge sheet has also been filed and the same is taken cognizance by the competent Court and PRC number has also been assigned. In that score alone, this petition deserves to be dismissed as infructuous. Accordingly, this criminal original petition is dismissed as infructuous. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(Writ)

/True Copy/

Sub Assistant Registrar

jikr

To

1.The Inspector General of Police,
South Zone,
Natham Road,
Madurai.

2.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.



3.The Inspector of Police,
Karivalamvandhanallur Police Station,
Tirunelveli District.

4.The Joint Director and Head of Zone,
Central Bureau of Investigation,
III Floor, E.V.K. Sampath Building,
College Road,
Chennai-600 006.

5.The Government Advocate (Criminal Side),
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s J.ANTONY ARUL RAJ Advocate Sr.No. 81001

JAM/23.12.16/MPA/3P-7C

Cr1.O.P.(MD).No.12085 of 2016 &
Cr1.M.P.(MD).No.5756 of 2016
14.12.2016