



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.02.2016
CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. (MD) Nos.1680 and 1567 of 2016
and
CrI.M.P. (MD) No.857 and 822 of 2016

WEB COPY

CrI.O.P. (MD) No.1680 of 2016

V.M.Jegadev

..Petitioner/3rd Accused

Vs

1. The Superintendent of Police,
Kanyakumari District.

.. Respondent

2. The Sub Inspector of Police,
Kotticode Police Station,
Kanyakumari District.

.. Respondent/Complainant

3.David Sam Arther

.. Respondent/Defacto Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in Crime NO.1/2016 on the file of the second respondent dated 01.01.2016 and to quash the same regarding the petitioner concerned.

For Petitioner : Mr.T.Arul

For Respondents : Mr.C.Mayilvahana Rajendran

Additional Public Prosecutor for R.1 and R.2

CrI.O.P. (MD) No.1567 of 2016

1.Shajin Raj

..1st Petitioner/1st Accused

2.Hari Prasath

.. 2nd Petitioner/2nd Accused

Vs

1. The Superintendent of Police,
Kanyakumari District.

.. Respondent

2. The Sub Inspector of Police,
Kotticode Police Station,
Kanyakumari District.

.. Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the investigation of the case in Crime No.1 of 2016 dated 01.01.2016 on the file of the second respondent police registered under Sections 147, 148, 341, 294(b), 323, 324, 506(ii) I.P.C. to any other investigating officer.

For Petitioner : Mr.P.Velmurugan

For Respondents : Mr.C.Mayilvahana Rajendran

Additional Public Prosecutor

**COMMON ORDER**

When the quash application in CrI.O.P.(MD)No.1680 of 2016 was taken up for hearing, the learned Counsel appearing for the petitioner submitted that the co-accused in this case has filed CrI.O.P.(MD)No.1567 of 2016 for transfer of investigation and the third accused has filed the quash application in CrI.O.P.(MD)No.1680 of 2016. On the representation of Mr.P.Velmurugan, learned Counsel on record in CrI.O.P.(MD)No.1567 of 2016, that petition was also taken up for hearing today.

2. On a conspectus of the facts provided in this case, this Court finds that three F.I.Rs had been registered against either party viz., Cr.No.1 of 2016 on the complaint lodged by David Sam Arther, Cr.No.2 of 2016 on the complaint lodged by Jegadev; and Cr.No.4 of 2016 on the complaint lodged by Josephin Bernard and all the three cases are on the file of Kotticode Police Station. This Court finds that it is not a fit case to quash the F.I.R. in Cr.No.1 of 2016. However, this Court is of the view that it will serve the best interest of justice, if the cases in Cr.Nos.1,2 and 4 of 2016 are transferred to the file of the Deputy Superintendent of Police, Nagercoil Town. Accordingly they are transferred to the file of the Deputy Superintendent of Police, Nagercoil Town and the Deputy Superintendent of Police, Nagercoil Town is directed to conduct the investigation and take action in accordance with law.

3. With the above directions, both the Criminal Original Petitions are closed. Consequently, the connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,
Nagercoil Town.
2. The Superintendent of Police,
Kanyakumari District.
3. The Sub Inspector of Police,
Kotticode Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO MR.T.ARUL, ADVOCATE IN SR NO.6949

SSL

TE/AAL-MPA/ : 15/02/2016 : 3P/6C