



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2016

WEB COPY

CORAM:

THE HONOURABLE Mr.JUSTICE **P.N.PRAKASH**
CRL.O.P.(MD).No.1793 of 2016

P.Manjula : Petitioner/Defacto
Complainant

Vs.

1.The Superintendent of Police,
Karur District,Karur.

2.The Deputy Superintendent of Police,
Karur Town,Karur District.

3.The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.

4.The Sub Inspector of Police,
Velliyannai Police Station,
Karur District.

5.John Kennedy : Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to transfer the investigation in Crime No.193 of 2015 on the file of the fourth respondent to any other impartial investigating agencies and investigate the same in accordance with law.

For Petitioner : Mr.AN.Ramanathan

For R1 to R4 : Mrs.S.Prabha
Government Advocate (Criminal Side)

ORDER

The petitioner has come forward with this petition under Section 482 of Code of Criminal Procedure, seeking a direction to the respondents to transfer the investigation in Crime No.193 of 2015 on the file of the fourth respondent to any other impartial investigating agencies and investigate the same in accordance with law.

2. Heard Mr.AN.Ramanathan, learned counsel appearing for the petitioner and Mrs.S.Prabha, learned Government Advocate (Crl.side) appearing for the respondents 1 to 4.

3. It is seen that on the complaint lodged by the petitioner, the fourth respondent police registered a case in Crime No.193 of 2015 for the offences punishable under Sections 147, 148, 427, 324, 355, 506(ii) and



294(b) of IPC on 01.09.2015 and after completion of investigation, a Referred charge sheet notice has been served on the petitioner on 03.12.2015. After receipt of the referred charge sheet notice, the petitioner has filed a protest application before the learned Judicial Magistrate No.II, Karur, on 14.12.2015. The learned Magistrate has returned the protest application on the ground that the respondent police have not filed the closure report.

4. Considering the said submission, this Court directs the fourth respondent police to immediately file the closure report, not later than two weeks from the date of receipt of copy of this order after intimating the petitioner so that the petitioner could work out his remedy by filing a protest application as laid down by the Hon'ble Supreme Court in **Vinay Tyagi Vs. Irshad Ali alias Deepak and others** reported in (2013) 5 Supreme Court Cases 762.

5. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected M.P is closed.

6. Post this Criminal Original Petition for reporting compliance on 16.02.2016.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

To,

1. The Superintendent of Police, Karur District, Karur.
2. The Deputy Superintendent of Police, Karur Town, Karur District.
3. The Inspector of Police, Pasupathipalayam Police Station, Karur District.
4. The Sub Inspector of Police, Velliyannai Police Station, Karur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

TS/03.02.2016/2P-6C/SK-SKN/SARI

Order made in
CRL.O.P. (MD) .No.1793 of 2016

Dated:- 02.02.2016