

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

Crl.O.P.No.2523 of 2017

K.Jayaraman

... Petitioner

Vs

State rep. by
The Inspector of Police,
Thiruverkadu Police Station,
Thiruverkadu.

... Respondent

Prayer: This petition filed under section 482 of Criminal Procedure Code, praying to transfer the investigation in Crime Number 588 of 2007 from the file of the Inspector of Police. Thiruverkadu Police Station to CBCID, Chennai for investigation in accordance with law.

For Petitioner : Mr.R.Vijaya Raghaven

For Respondent : Mr.P.Govindarajan,
Additional Public Prosecutor.

ORDER

The prayer in the present petition is to transfer the investigation in Crime No.588 of 2007 from the respondent police to the CBCID.

2. When the matter is taken up to day, the learned Additional Public Prosecutor submitted that the petitioner's complaint has been closed on 05.11.2014 and RCS report has also been served on the petitioner.

3. The learned counsel appearing for the petitioner on the other hand submitted that no such RCS report neither been served on them nor filed before the concerned jurisdictional Magistrate. In this regard, when the learned Additional Public Prosecutor was directed to take instructions, it is submitted that the Inspector had not filed the RCS report before the Judicial Magistrate since the advocates were boycotting the Courts.

4. I am not in the agreement with the submission made since advocate boycott has nothing do with Inspector in filing the RCS report before the Jurisdiction Magistrate. Further more, it is seen that the complaint has been kept pending investigation for almost 10 years in the present matter and the petitioner has been constrained to approach this Court on two occasions. By filing Crl.O.P.Nos.26420 of 2009 and 30285 of 2012.

5. In view of the delay, I am of the view that the closure of the complaint may not be fair and it would be appropriate to transfer the investigation to some other police official other than the respondent herein.

6. Hence, there shall be a direction to the Commissioner of Police, Chennai to transfer the investigation in Crime No.588 of 2007 from the Inspector of Police, Thiruverkadu Police Station to the Inspector of Police, Maduravayal Police Station. Such an exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order. Accordingly, the Criminal Original Petition stands allowed.

03.08.2017

Index : Yes/No
Internet : Yes/No

mrp

To

1.The Commissioner of Police,
Chennai

2. The Inspector of Police,
Thiruverkadu Police Station,
Thiruverkadu.

3.The Public Prosecutor,
High Court, Madras.

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M.S.RAMESH, J.

mrp



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