

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2017

CORAM

THE HONOURABLE Mr.JUSTICE N.AUTHINATHAN

CRL.OP.No.16388 of 2010

Sarojiniammal ... Petitioner/Defacto complainant

Vs

1. The State

Rep. By the Sub-Inspector of Police
Sulur Police Station,
Coimbatore.

2. The Superintendent of Police

CBCID, Coimbatore. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to transfer the investigation of Crime No.394 of 2010 on the file of the 1st respondent to the 2nd respondent.

For Petitioner : Mr.T.Sundaravadhanan for
G.B. Saravanabhavan

For Respondents : Mr.P.Govindarajan
Additional Public Prosecutor

O R D E R

This petition has been filed to transfer the investigation of Crime No.394 of 2010 on the file of the 1st respondent to the 2nd respondent.

2. The petitioner/defacto complainant states that a case has been registered against the accused in Crime No.394 of 2010 pending on the file of the first respondent, on the basis of the complaint lodged by her for the offences punishable under Sections 323 and 379 IPC. A case was registered against the petitioner/complainant in Cr.No.388 of 2010 on 09.04.2010 of the offences punishable under Sections 294(b), 324 and 506 (2) IPC.

3. The learned counsel for the petitioner/complainant would submit that the accused in the said case is a politically influential person and he would influence the investigating

agency and that therefore the complaint of the petitioner should be investigated by the second respondent/CBCID.

4. The learned Additional Public Prosecutor appearing for the respondents submits that after investigation in the case in Crime No.394 of 2010, it was found that there was no material to prosecute the accused and therefore final report has been filed closing the case as ""mistake of fact", after serving notice on the petitioner/defacto complainant.

5. Having regard to the fact that already, after completion of investigation, a final report has been filed before the Magistrate concerned, the question of transfer of investigation does not arise. It is open to the petitioner/defacto complainant to file protest petition, if so advised.

6. In the result, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Sub-Inspector of Police
Sulur Police Station,
Coimbatore.
2. The Superintendent of Police
CBCID, Coimbatore.
3. The Public Prosecutor,
High Court, Madras.

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