



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.11.2017
CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

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CRL.OP.(MD).No.15213 of 2017

Francis . . . Petitioner

Vs.

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
2. The Inspector,
C.B.C.I.D.,
Nagercoil, Kanyakumari District.
3. The Inspector of Police,
Kaliyakavilai Police Station,
Kaliyakavilai, Kanyakumari District. . . Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent to withdraw the petitioner's complaint, dated 03.12.2013 on the file of the third respondent and to transfer the same to the second respondent or any competent agency.

For Petitioner : Mr.M.P.Hariprasad
For Respondents : Mr.A.Ramar,
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for issuing a direction to the first respondent to withdraw the petitioner's complaint, dated 03.12.2013 on the file of the third respondent and to transfer the same to the second respondent or any competent agency.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. The petitioner states that he lodged a complaint on 03.02.2013. Since there was no proper investigation, the petitioner alleging that the case will not be dealt with in a proper manner, has filed this petition seeking a direction to the



first respondent, namely, the Superintendent of Police, Kanyakumari District, Nagercoil, to withdraw the petitioner's complaint from the file of the third respondent and to transfer the same to the second respondent, namely, the Inspector of Police, C.B.C.I.D., Nagercoil, Kanyakumari District.

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4. Learned Additional Public Prosecutor on instructions submitted that the enquiry was completed and that the complaint was referred as "Mistake of Fact".

5. Though the learned Additional Public Prosecutor states that R.C.Notice was served on the petitioner, the learned counsel for the petitioner denies such service and disputes this fact.

6. Hence, the third respondent is directed to file a Closure Report before the jurisdictional Magistrate with a copy marked to the petitioner within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of the copy of the Closure Report, it is open to the petitioner to seek appropriate remedy. Since the complaint itself is closed and no further enquiry is contemplated, the petition to transfer the investigation is liable to be dismissed. Hence, the Criminal Original petition is dismissed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police, Kanyakumari District, Nagercoil.
2. The Inspector, C.B.C.I.D., Nagercoil, Kanyakumari District.
3. The Inspector of Police, Kaliyakavilai Police Station, Kaliyakavilai, Kanyakumari District.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+ 1 cc TO Mr.M.P.Hariprasad , Advocate in SR No. 86298

pmu

AE/SKN RSK/SAR2/20.11.2017/2P/6C

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