



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.16040 of 2017

and

CrI.M.P(MD)No.10623 of 2017

Murugan.K.

... Petitioner

-Vs-

The State represented by

1. The Superintendent of Police,
District Crime Branch,
Tirunelveli District.

2. The Inspector of Police,
District Crime Branch,
Palayamkottai Taluk,
Tirunelveli District.

3. The Inspector of Police,
CB CID,
Tirunelveli.

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to transfer the investigation in the FIR No.12/2015 on the file of the second respondent on the complaint dated 17.11.2014 of the petitioner from the second respondent police to the third respondent police.

For Petitioner	: Mr.P.Suganthi
For Respondents	: Mr.K.S.Duraipandian, Additional Public Prosecutor

O R D E R

This Criminal Original Petition is filed for transferring the investigation in F.I.R.No.12 of 2015 on the file of the second respondent to the third respondent.

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



3.The petitioner is the defacto complainant and based on the complaint lodged by the petitioner, a case was registered against four individuals for the offences under Section 120(b), 201, 420, 506(II), 294(b) IPC. It is stated that the accused have taken 222 Paddy bags worth Rs.2,95,000/- from the petitioner with a promise to pay the price for the paddy to him through the commission agent. It is further stated that the proposed accused cheated the petitioner and never paid the money.

4.Though the complaint was lodged in the year 2014, the complaint itself was registered only after a direction was issued by this Court. It is in the said circumstances, the petitioner has come out with the present petition alleging that there was no progress in the investigation despite the fact that the complaint was lodged in November, 2014.

5.The learned Additional Public Prosecutor on instructions submitted that final report itself was filed on 13.10.2017 before the learned Judicial Magistrate and it is yet to be taken on file.

6. It is to be noted that the charge-sheet is filed after completing investigation in all respects and all the four accused have been charged for the offence based on the complaint and after the investigation and collecting statement from several witnesses. No further enquiry is contemplated and there is no scope for transferring the investigation to the third respondent. Hence, this Criminal Original Petition is closed with a direction to the second respondent to see that the final report is taken on file within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
District Crime Branch,
Tirunelveli District.

2. The Inspector of Police,
District Crime Branch,
Palayamkottai Taluk,
Tirunelveli District.



3. The Inspector of Police,
CB CID,
Tirunelveli.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

AM

VB/MR/KKR/SAR2/08/12/2017/3P/5C

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23.11.2017