



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE S. S. SUNDAR

CRL.OP.(MD).No.16607 of 2017
and
CRL.MP.(MD).No.10979 of 2017

P.Pappathy . . . Petitioner/1st Formant
Vs.

1.The State Represented by,
The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
(Crime No.160 of 2017)

2.The Inspector of Police,
District Crime Branch,
Dindigul District.

. . . Respondents/Complainants

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to transfer the investigation of the First Information Report in Crime No.160 of 2017 from the file of the Inspector of Police, Vadamadurai Police Station, Dindigul District to the file of the Inspector of Police, District Crime Branch, Dindigul District.

For Petitioner : Mr.R.Anand
For Respondents : Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for transferring the investigation of the First Information Report in Crime No.160 of 2017 from the file of the Inspector of Police, Vadamadurai Police Station, Dindigul District to the file of the Inspector of Police, District Crime Branch, Dindigul District.

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

3.The petitioner is the informant in Crime No.160 of 2017, which was lodged for the alleged offences punishable under Sections 147, 148, 294(b), 452, 427 and 506(i) of I.P.C. It is stated by the learned counsel for the petitioner that the complaint clearly



discloses the damages that was caused by the accused to the tune of Rs.10,000/- and that the respondents have not registered the offence under specific provision of Indian Penal Code or under Section 3 of T.N.P.P.D.L. Act.

4. On the ground that the first respondent has not registered the offences which are made out as per the complaint, the learned counsel for the petitioner submitted that the transfer of investigation is necessary. The learned Additional Public Prosecutor on instructions submitted that the charge sheet itself was filed on 07.07.2017 before the learned Judicial Magistrate, Vedachandur. Since the entire investigation is completed and no further investigation is required, the learned Additional Public Prosecutor submitted that the transfer of investigation is not permissible in this case.

5. The learned Additional Public Prosecutor is right in his submission that transfer of investigation, after filing of Charge Sheet and completion of investigation is unwarranted. Having regard to the grievance expressed by the learned counsel for the petitioner, the petitioner is at liberty to file a protest petition or ask for alteration of charges and the learned Judicial Magistrate, Vedachandur, may consider the said petition on merits and in accordance with law.

6. The Criminal Original petition is disposed of, accordingly. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub Assistant Registrar

To

1.The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.

2.The Inspector of Police,
District Crime Branch,
Dindigul District.

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

+1cc to Mr.R.ANAND Advocate in SR. No. 91287

PMU

JS/SV.MMS/SAR.1/19.12.2017/2P-5C

CrI.O.P. (MD).No.16607 of 2017

and

CRL.MP. (MD).No.10979 of 2017

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