



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD)No.16167 of 2016

and

CRL.M.P.(MD)No.7855 of 2016

Shanmugavel

... Petitioner/Complainant

Vs.

1. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai -4.
2. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
3. The Deputy Superintendent of Police,
Kovilpatti,
Thoothukudi.
4. The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
5. K.Chandra Sekar
6. C.Pandiammal

(R-5 & R-6 are impleaded as per
order dated 25.01.2017 in
Crl.M.P.(MD)No.9754 of 2016
in CRL.OP.(MD)No.16167 of 2016)

... Respondents/ Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to transfer the investigation in Crime No.119 of 2016 from the file of the fourth respondent herein and to any other district police or Investigating Agency.

For Petitioner : Mr.C.Jeganathan,
for M/s.Veera Associates.

For R-1 to R-4 : Mr.K.S.Duraipandiyan,
Additional Public Prosecutor.

For R-5 & R-6 : Mr.E.Somasundaram

**ORDER**

This Criminal Original petition is filed for transferring the investigation in Crime No.119 of 2016 from the file of the fourth respondent herein and to any other district police or Investigating Agency.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for respondents 1 to 4 and the learned counsel appearing for respondents 5 and 6.

3. The petitioner is the defacto complainant and it is stated that the complaint has been registered against certain individuals in Crime No.119 of 2016 for the offences under Section 147, 364, 468, 471, 506(i) and 120(b) I.P.C. The petitioner has made certain allegations against the second respondent for transferring the investigation stating that the accused in the complaint are hand in glove with the second respondent and that there will not be a fair enquiry.

4. The learned Additional Public Prosecutor however on instructions submitted that the complaint was enquired and after thorough investigation, it was closed as "Mistake of Fact", on 23.08.2016. He also submitted that R.C.S. Notice was also served on the petitioner.

5. Recording the submission that the complaint has already been closed as "Mistake of Fact" and that no further investigation is required in this case, the Criminal Original petition is closed. However, liberty is given to the petitioner to file a Protest petition in the manner known to law. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai -4.

2. The Superintendent of Police,
Thoothukudi District,



3. The Deputy Superintendent of Police,
Kovilpatti, Thoothukudi.

4. The Inspector of Police,
Kovilpatti East Police Station, Thoothukudi District.

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

+1cc to Mr.E.Somasundaram, Advocate Sr.No.81570

+1cC to M/s.Veera Associates, Sr.No.81552

PMU

VB/SKN/RSK/SAR1/25/10/2017/3P/8C

CRL.OP. (MD) No.16167 of 2016
04.10.2017