



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WEB COPY

CRL.O.P. (MD) No.8633 of 2017

and

CrI.M.P. (MD) .No.6047 of 2017

R.Vijayalakshmi

: Petitioner

-Vs-

The State rep. by

1. The Superintendent of Police,
Dindigul District,
Dindigul.

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

3. The Inspector of Police,
CBCID,
Dindigul District.

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to direct the first respondent to transfer the investigation of the complaint given by the petitioner, dated 13.10.2016 from the 2nd respondent to any other investigating agency more fully CBCID/3rd respondent herein and to file a status report before this Court within the time stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.C.Mayil Vahana Rajendran
Additional Public Prosecutor

For proposed
impleading petitioner : Mr.S.Chellapandian

O R D E R

This petition has been filed under Section 482 of Cr.P.C., seeking a direction to the first respondent to transfer the investigation of the complaint given by the petitioner, dated 13.10.2016 from the second respondent to any other investigating agency, more particularly CBCID/3rd respondent.



2. The petitioner is the complainant. The petitioner is said to have been filed a complaint before the second respondent on 13.10.2016 since the complaint was not properly investigated by the second respondent, the petitioner earlier filed a petition before this Court in Crl.O.P.No.21124 of 2016 seeking for a direction to register a case and this Court by an order, dated 07.11.2016 directed the second respondent herein to expedite the enquiry and complete the same within a period of two weeks from the date of receipt of the copy of that order and the complaint could be enquired in accordance with law laid down by the Hon'ble Supreme Court in **Lalitha Kumari's case [2013(4)Crimes243(SC)]**. Thereafter the petitioner filed another petition before this Court in Crl.O.P.No.22004 of 2016, seeking for transfer of investigation from the second respondent herein. When the above application came up for hearing, it was represented that the petitioner was not co-operating with the enquiry, hence, the second respondent was not in a position to proceed with the enquiry. Therefore, this Court directed the petitioner to appear before the second respondent herein and to co-operate with the enquiry and the second respondent was also directed to expeditiously conduct the enquiry and keep the petitioner informed about the result of the same.

3. Today when the matter is taken up for hearing, learned Additional Public Prosecutor submitted that now the enquiry has been conducted by the second respondent police and after enquiry complaint has been closed as civil in nature, vide his proceedings in No.G3/2081/29722/2016, dated 24.07.2017 and directed the petitioner to approach the competent Court to seek suitable relief.

4. In view of the same, since already the petitioner/complainant has been enquired into and the complaint has already been closed by the respondent police by directing the petitioner, if the petitioner had any grievance against the closure report dated 24.07.2017, it is always open to him to approach the competent Court seeking appropriate remedy and the prayer sought for by the petitioner cannot be given at this stage.

5. In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

1. The Superintendent of Police,
Dindigul District,
Dindigul.

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

3. The Inspector of Police,
CBCID,
Dindigul District.

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

+1cc to Mr.S.Chellapandian, Advocate Sr.No.74520

+1cc to Mr.B.Jameel Arasu, Advocate SR.No.74339

PJL

VB/MR/KKR/SAR1/15/09/2017/3P/7C

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