

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 27.07.2017****CORAM:****THE HONOURABLE MR.JUSTICE S.S.SUNDAR****CRL.O.P. (MD) No.9747 of 2017**

V.Ramesh

.. Petitioner

-Vs-

1. The Superintendent of Police,  
Virudhunagar District,  
Virudhunagar.
2. The Deputy Superintendent of Police,  
Srivilliputhur,  
Virudhunagar District.
3. The Inspector of Police,  
Watrap Police Station,  
Watrap,  
Virudhunagar District.  
(Crime No.214 of 2017)
4. The Deputy Superintendent of Police,  
C.B.C.I.D.,  
Virudhunagar District,  
Virudhunagar.

.. Respondents

**PRAYER:** Petition is filed under Section 482 of the Criminal Procedure Code, to direct the 1<sup>st</sup> respondent to transfer the investigation in Crime No.214 of 2017, pending on the file of the 3<sup>rd</sup> respondent police to the 4<sup>th</sup> respondent to investigate and filing the final report.

For Petitioner : Mr.S.Lingarasu

For Respondents : Mr.K.Anbarasan  
Government Advocate (Crl.Side)**O R D E R**

This petition is filed by the petitioner, to direct the 1<sup>st</sup> respondent to transfer the investigation in Crime No.214 of 2017 pending on the file of the 3<sup>rd</sup> respondent police to the 4<sup>th</sup> respondent to investigate and filing the final report.



2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents.

3. The petitioner states that the petitioner's own brother, namely, one Radhakrishnan was missing and thereafter based on his complaint, a case was registered in Crime No.214 of 2017. He further states that his brother was missing from the month of April, 2017 but still now there is no progress in the investigation. The petitioner also alleged that he had a suspicion about the involvement of five named individuals as there was previous enmity between the petitioner's brother and the said individuals. Since the third respondent refused to receive the complaint earlier, he was constrained to send the same through the registered post. The petitioner further submitted that after the complaint, the respondent police found a body in a decomposed condition and enquired whether it could be the petitioner's brother. Further, the petitioner alleged that the respondents have not taken steps to send the samples for medical examination.

4. From the above submission, it appears that the grievance of the petitioner is that despite a body was found, the respondent police has not enquired the named suspects pointed out in his complaint. The grievance of the petitioner cannot be countenanced at this stage, unless the respondent police confirms that the body found is that of the petitioner's brother. The learned Government Advocate (Crl.Side) on instructions, would submit that the respondent is investigating and will do the needful after getting the report. Hence, the apprehension at this stage is not convincing and his request to transfer the investigation is not sustainable. If the petitioner is able to point out any irregularity or inaction after getting the report, in the course of investigation, it is open to the petitioner to seek appropriate remedy in the manner known to law.

5. With the above observations, this Criminal Original Petition is **dismissed**.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

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

<https://hcservices.court.gov.in/hcservices>  
2. The Superintendent of Police,  
Srivilliputhur,  
Virudhunagar District.



3. The Inspector of Police,  
Watrap Police Station,  
Watrap,  
Virudhunagar District.

4. The Deputy Superintendent of Police,  
C.B.C.I.D.,  
Virudhunagar District,  
Virudhunagar.

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

+1cc to Mr.S.Lingarasu, Advocate SR.No.68623

DAS/PJL

VB/MR/KKR/SAR3/07.08.2017/3P/7C

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**27.07.2017**