



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2017

CORAM

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THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

Crl.O.P.(MD).No.23974 of 2016

J.Justin

.. Petitioner

vs.

1.The Superintendent of Police,
Nagercoil,
Kanyakumari District.

2.The Deputy Superintendent of Police,
Land Grabbing Police Station,
Nagercoil,
Kanyakumari District.

3.The Inspector of Police,
Land Grabbing Police Station,
Nagercoil,
Kanyakumari District.

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st and 2nd respondents to direct the 3rd respondent to conduct further investigation in Crime No.74 of 2014, on the file of the 3rd respondent or through an officer competent to conduct investigation under them, in accordance with law.

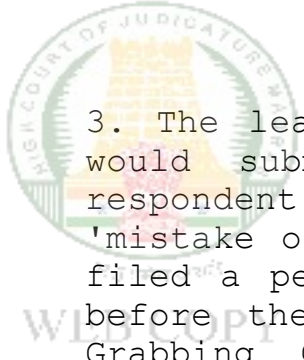
For Petitioners : Mr.S.Krishna Moorthy

For Respondent : Mr.A.P.Balasubramani
Government Advocate (Crl. Side)

ORDER

This petition has been filed to direct the 1st and 2nd respondents to instruct the 3rd respondent to conduct further investigation in Crime No.74 of 2014, on the file of the 3rd respondent or through any other competent officer.

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



3. The learned Government Advocate (Crl. Side), on instructions, would submit that after conducting proper enquiry, the 3rd respondent police has closed the case in Crime No.74 of 2014, as 'mistake of fact' on 26.11.2014. Against the same, the petitioner filed a petition in Crl.M.P.No.35 of 2015, for re-investigation, before the learned Judicial Magistrate, Special Court for Land Grabbing Cases, Tirunelveli. The learned Judicial Magistrate allowed the petition, on 26.08.2016. Based on the order, dated 26.08.2016, the Superintendent of Police, Kanyakumari District, has transferred the investigation in Crime No.74 of 2014, from the third respondent to the Inspector of Police, Nesamani Nagar Police Station, Kanyakumari District. He further submitted that the case is now pending before the Inspector of Police, Nesamani Nagar police station, Kanyakumari District.

4. Since the investigation was transferred from the third respondent, to the Inspector of Police, Nesamani Nagar police station, Kanyakumari District, no further order is necessary in this Petition and accordingly, this Criminal Original Petition is disposed of, with liberty to the petitioner, to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

PJL

To

1.The Superintendent of Police,
Nagercoil, Kanyakumari District.

2.The Deputy Superintendent of Police,
Land Grabbing Police Station, Nagercoil,
Kanyakumari District.

3.The Inspector of Police, Land Grabbing Police Station,
Nagercoil, Kanyakumari District.

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

+1CC to Mr.S.Suresh kumar, Advocate Sr.No.193

GJM/SS2/KSM/12.1.17-2p-6c

Crl.O.P.(MD) No.23974 of 2016
03.01.2017