



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.1213 of 2018

Ramesh

... Petitioner/De-facto
Complainant

-vs-

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

2.The Inspector of Police,
Sethur Rural Police Station,
Rajapalayam Taluk,
Virudhunagar District.

... Respondents/Complainants

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to issue appropriate direction, directing the first respondent police to transfer the investigation in the case in Crime No.342/2017, dated 20.12.2017, on the file of the second respondent police, to some other investigating officer, instead of the second respondent police on the basis of representation dated 03.01.2018.

For Petitioner : Mr.T.Indrachithu

For Respondents : Mr.Prabu Ramachandran

Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed, to direct the first respondent to transfer the investigation in Crime No.342 of 2017, from the second respondent to some other Investigating Agency.

2.The learned counsel appearing for the petitioner has submitted that when the petitioner was proceedings to a shop in his car, five accused persons intercepted the vehicle and robbed a sum of Rs.25,000/- and also assaulted him and caused injuries and hence the petitioner was admitted in Government Hospital, Rajapalayam and when he was under treatment, the second respondent has recorded his statement and registered a case in Crime No.342 of 2017, under Sections 147, 341, 294(b), 323, 395, 506(i) of I.P.C., dated 20.12.2017. He further submitted that the second respondent did not take any steps either to arrest the accused or to recover the amount and hence the petitioner gave a representation before the first respondent on 03.01.2018, requesting him to transfer the



investigation to some other Investigating Agency, but so far no action has been taken.

3.The learned Government Advocate (Crl.Side) has submitted that the second respondent has completed the investigation and referred the matter as 'Mistake of Fact' on 21.01.2018 and RCS notice also served on the petitioner and a report also filed to that effect before the Jurisdictional Magistrate.

4.Considering the aforesaid submissions, this Criminal Original Petition is disposed of. It is open to the petitioner to avail any other remedy, which is available under the law.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

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

2.The Inspector of Police,
Sethur Rural Police Station,
Rajapalayam Taluk,
Virudhunagar District.

+One cc to Mr.T.Indrachithu, Advocate, SR.No.44318

SSS

RL/4C/2P/KKR/SAR1/8/2/2018

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