



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.1875 of 2018

T.Moorthy

... Petitioner

-Vs-

- 1.The Superintendent of Police,
Dindigul District,
Dindigul.
- 2.The Deputy Superintendent of Police,
District Crime Records Bureau,
Dindigul,
Dindigul District.
- 3.The Inspector of Police,
Kodaikkanal Police Station,
Kodaikkanal
Dindigul District,
Cr.No.460/2012.
- 4.The Inspector of Police,
C.B.C.I.D.
Dindigul,
Dindigul District.

... Respondents

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent to transfer the investigation in Cr.No.460 of 2012, pending on the file of the 2nd respondent Police to the fourth respondent to investigate and for filing the final report.

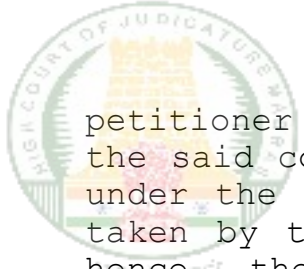
For Petitioner	: Mr.M.Kannan
For Respondents	: Mr.Prabhu Ramachandran Government Advocate (Crl.Side)

O R D E R

This Criminal Original petition has been filed to transfer the investigation in Cr.No.460 of 2012, from the file of the second respondent to the fourth respondent.

2. Heard both sides.

3. The learned counsel for the petitioner has submitted that the petitioner's wife viz., Vijaya Selvi, who was working in a private concern was found missing on 02.11.2012 and hence, the



petitioner gave a complaint before the third respondent and based on the said complaint, a case has been registered in Cr.No.460 of 2012 under the caption 'woman missing'. Thereafter, no steps have been taken by the third respondent to secure the petitioner's wife and hence, the petitioner has filed Crl.O.P.(MD).No.18618 of 2012, seeking a direction for change of investigation. This Court has passed the order on 15.12.2014, directing the second respondent to complete the investigation and file final report within three months. He further submitted that the second respondent, so far has not filed final report and hence, investigation should be transferred to the fourth respondent.

4.The learned Government Advocate (Crl.Side) has submitted that as per the order passed by this Court in Crl.O.P.(MD).No.18618 of 2012, investigation has been transferred to the second respondent from the third respondent. He further submitted that in spite of sincere efforts taken, the second respondent could not trace out the petitioner's wife and hence, he closed the F.I.R 'as undetectable' on 30.08.2015 and with regard to the same, notice was already sent to the petitioner.

5.Since the petitioner has filed Crl.O.P.(MD).No.18618 of 2012, seeking direction of this court to transfer the investigation, this Court has ordered to transfer the investigation to the second respondent by the order dated 15.12.2014. In pursuance of the said order, the second respondent has taken the matter for investigation and closed the F.I.R as undetectable. Since already investigation has been transferred from the third respondent to the second respondent and the F.I.R was also closed, this petition cannot be entertained.

6.Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

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

2.The Deputy Superintendent of Police,
District Crime Records Bureau,
Dindigul,
Dindigul District.

3.The Inspector of Police,
Kodaikkanal Police Station,
Kodaikkanal
Dindigul District.



4.The Inspector of Police,
C.B.C.I.D.
Dindigul,
Dindigul District.

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

+1CC to Mr.K.Kannan, Advocate, SR.No. 47114

CRL.O.P.(MD)No.1875 of 2018
07.02.2018

Vs
AM/GT/SAR 2/20.02.2018/3P/7C