



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P. (MD) No.705 of 2018

WEB COPY

P.Nagavel

... Petitioner

-Vs-

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

2. The Deputy Superintendent of Police,
Thiruvadani,
Ramanathapuram District.

3. The Inspector of Police,
C.B.C.I.D,
Ramanathapuram,
Ramanathapuram District.

4. The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.

... Respondents

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to transfer investigation of the case in Cr.No.223 of 2017 pending on the file of the 4th respondent police to be investigated by C.B.C.I.D or to any other independent agency.

For Petitioner : Mr.S.Muthukumar

For Respondents 1 to 4 : Mr.Prabhu Ramachandran

Government Advocate (Crl. Side)

O R D E R

This Criminal Original petition has been filed to direct the fourth respondent to transfer the case in Cr.No.223/2017, pending on the file of the 4th respondent to CBCID or to any other independent agency.

2. The learned counsel appearing for the petitioner has submitted that though a case was registered on 15.10.2017, the fourth respondent has not taken any effective steps to investigate the matter and hence, he requested the court to transfer the investigation to CBCID or any other independent agency.

3. The learned Government Advocate (Crl.side) has submitted that since the case is in investigation, the case was referred as mistake of fact, because a civil suit is pending between the parties before



the Civil Court and a report also has been filed to that effect before the concerned Jurisdictional Magistrate on 15.10.2017 itself.

4. The learned counsel for the petitioner by way of reply has submitted that the petitioner has not received any information from the 4th respondent with regard to the filing of the report before the learned Judicial Magistrate.

5. In view of the above, the fourth respondent is directed to serve notice to the petitioner with regard to the filing of the referred charge-sheet before the learned Judicial Magistrate. It is open to the petitioner to seek remedy, which is available under any other law.

6. With the aforesaid observation, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

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

2. The Deputy Superintendent of Police,
Thiruvadani,
Ramanathapuram District.

3. The Inspector of Police,
C.B.C.I.D,
Ramanathapuram,
Ramanathapuram District.

4. The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.

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

VS

VB/MR/SAR3/01.02.2018/2P/6C