



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.(MD).No.6543 of 2014

V.Pappa

... Petitioner

Vs.

1.The Superintendent of Police,
Thanjavur District.

2.The Deputy Superintendent of Police,
Kumbakonam,
Thanjavur District.

3.The Inspector of Police,
Kumbakonam Taluk Police Station,
Kumbakonam,
Thanjavur District.
Crime No.258 of 2008.

4.The CBCID Police,
represented by the Superintendent of Police,
Chennai.

... Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to withdraw the investigation pending on the file of the third respondent pertaining to Cr.No.258 of 2008 on the file of Kumbakonam Taluk Police Station and entrust the same to the competent officer of the fourth respondent in the rank of Deputy Superintendent of Police and to complete the investigation within the time frame that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

For Respondents: Mr.A.P.G.OHM Chairma Prabhu
Government Advocate (Cr1.Side)

ORDER

This quash petition is filed to withdraw the investigation pending on the file of the third respondent pertaining to Cr.No.258 of 2008 on the file of Kumbakonam Taluk Police Station and entrust the same to the competent officer of the fourth respondent in the rank of Deputy Superintendent of Police and to



complete the investigation.

2.The learned Government Advocate (Crl.Side) would submit that the first respondent police filed the referred charge sheet before the concerned Magistrate, i.e., the learned Judicial Magistrate No.II, Kumbakonam, in R.C.C.No.19 of 2010. Thereafter, it is seen that the petitioner filed a petition in Crl.O.P.(MD) No.14377 of 2010 to transfer the investigation in Crime No.258 of 2008 from the file of the fifth respondent therein to the file of the competent police officer.

3.This Court by an order dated 01.12.2010, recorded the statement of the learned Public Prosecutor that already charge sheet has been filed and recording the same directed the petitioner to file necessary protest petition before the concerned Magistrate, within a period of 10 days from the date of receipt of the order. But the petitioner sought for referred charge sheet and the postmortem certificate before the concerned Judicial Magistrate in Crime No.258 of 2008 and the same was returned.

4.Again the petitioner filed the present petition for the same relief as sought for in Crl.O.P.No.14377 of 2010. Therefore, the prayer sought for in this petition cannot be granted now. However, it seems that the petitioner did not receive any referred charge sheet from the third respondent.

5.Considering the above facts and circumstances of the case, the third respondent is directed to serve the referred charge sheet to the petitioner / defacto complainant within a period of 15 days from the date of receipt of a copy of this order. However, the petitioner is at liberty to file a protest petition in accordance with law.

6.This criminal original petition is dismissed with the above direction.

Sd/-

Assistant Registrar (CS-III)

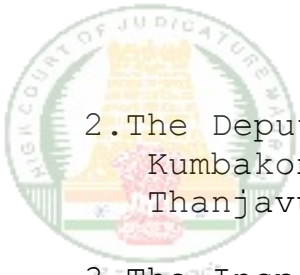
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Sub Assistant Registrar(CS-III)

To

1.The Superintendent of Police,

<https://hcservices.hcsonline.org/ncs/ncsdes> District.



2.The Deputy Superintendent of Police,
Kumbakonam,
Thanjavur District.

3.The Inspector of Police,
Kumbakonam Taluk Police Station,
Kumbakonam, Thanjavur District.

4.The CBCID Police,
Chennai.

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

+ 1 CC TO MR.A.RAHUL, ADVOCATE IN SR NO.88266

MM

BU/NM/SV/SAR-III :15.11.2018 : 3P/7C

Cr1.O.P. (MD) .No.6543 of 2014
28.09.2018