



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.(MD)No.7068 of 2018

S.R.Arun

... Petitioner/Defacto Complainant

Vs.

1. The Commissioner of Police,
Trichy.

2. The Inspector of Police,
Cantonment Police Station,
Trichy.

(Crime No.553 of 2018)

... Respondents/Respondents

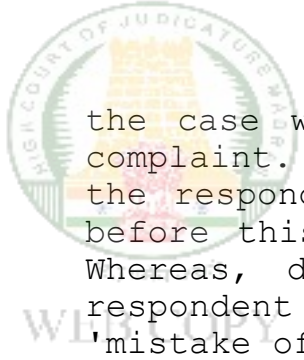
Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first respondent to transfer the investigation in Crime No.553 of 2018, on the file of the second respondent to any other investigation agency.

For Petitioner : Mr.C.Vakeeswaran
For R1 & R2 : Mr.A.Robinson,
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to the first respondent to transfer the investigation in Crime No.553 of 2018, on the file of the second respondent to any other investigating agency.

2.The learned counsel appearing for the petitioner would submit that the petitioner/defacto complainant had preferred a complaint on 11.12.2017 against S.Amutha Christy and others for having committed the offence under Sections 420, 417, 468, 467, 477, 403, 406, 407, 408, 423, 464, 477(A) r/w 34 of IPC. Since the second respondent did not register the complaint, the petitioner had approached the learned Judicial Magistrate No.II, Trichy and the learned Judicial Magistrate No.II, Trichy by order, dated 20.02.2018 in C.M.P.No.931 of 2018, directed the second respondent to register a case. The second respondent did not register the case, however, on a representation given by the petitioner, the second respondent had registered the case on 01.04.2018. Thereafter, with much delay, the FIR has been sent to the Court on 16.04.2018. He would further submit that the second respondent instead of properly investigating



the case was bent upon compelling the petitioner to withdraw the complaint. Therefore, the petitioner has made a representation to the respondents on 21.04.2018 and thereafter, filed this petition before this Court on 24.04.2018 seeking transfer of investigation. Whereas, during the pendency of the petition for transfer, the respondent police had filed a final report closing the case as 'mistake of fact' on 25.05.2018.

3.The learned Government Advocate (Crl.side) would submit that after conducting due investigation, the complaint has been closed as 'mistake of fact'

4.At this juncture, the learned counsel for the petitioner would submit that the second respondent with a prejudicial mind, had closed the case as 'mistake of fact'.

5.Taking note of the submission made by the learned Government Advocate (Crl.side) that the final report has also been filed, the remedy available to the petitioner is to file a protest petition before the concerned Court. The petitioner is entitled to raise all these grounds in the protest petition.

6.With the above observations, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Commissioner of Police,
Trichy.
2. The Inspector of Police,
Cantonment Police Station,
Trichy.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.C.VAKEESWARAN, ADVOCATE IN SR No. 95245

AM

TE/BK/SAR-1 : 13/12/2018 : 2P/5C

<https://hcservices.ecourts.gov.in/hcservices/>

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