



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.10.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.7039 of 2016

WEB COPY

R.Balakrishnan

... Petitioner

Vs.

1.The Home Secretary,
Home Department,
Fort St.George, Chennai.

2.The Deputy Inspector General of Police,
Palayamkottai, Tirunelveli.

3.The Superintendent of Police,
Thoothukudi.

4.The Inspector of Police,
Puthiyamputhur Police Station,
Thoothukudi District.

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to transfer the investigation in Crime No.212 of 2014 dated 24.12.2014 pending on the file of the fourth respondent to the C.B.C.I.D. Police.

For Petitioner : Mr.P.Banu Prasath

For Respondents : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed, seeking to transfer the investigation in Crime No.212 of 2014 dated 24.12.2014 pending on the file of the fourth respondent to the C.B.C.I.D. Police.

2.The petitioner is the father of the deceased. The son of the petitioner went out on 24.12.2014 at about 02.00 P.M., along with his friends and he fell down into a well and died. The petitioner suspected that his son has been murdered and therefore, the petitioner approached this Court for transfer of files by filing Crl.O.P.(MD)No.2549 of 2014.

3.This Court, by an order dated 29.06.2015, directed the respondent police, to conduct investigation with all the friends, who accompanied the deceased son on the fateful date.

4.According to the learned counsel appearing for the petitioner, this direction has not been complied with by the respondent police.



5.The learned Government Advocate appearing for the respondent police brought to the notice of this Court that the respondent police have taken statements from all those friends, who accompanied the petitioner and thereafter, on investigation, since the respondent police did not find any offence committed in this case, filed Action Dropped Report before the learned Executive Magistrate in the year 2015.

6.This Court has categorically held that the final report can never be filed before the Executive Magistrate. The same has to be filed only before the Jurisdictional Magistrate and only then the victim or the defacto complainant will be able to file protest petition and pursue their remedy in accordance with law.

7.In view of the above, the fourth respondent is directed to file final report before the concerned Jurisdictional Magistrate (Judicial Magistrate, Thoothukudi), within a period of three weeks from the date of receipt of a copy of this order.

8.The fourth respondent shall issue R.C.S., notice to the petitioner, who is the defacto complainant and liberty is granted to the petitioner to file protest petition before the Court below and pursue his remedy in accordance with law.

9.This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-II)

To

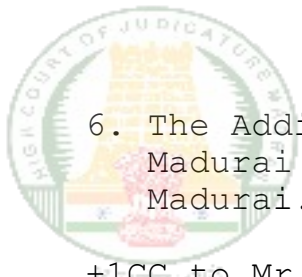
1.The Home Secretary,
Home Department,
Fort St.George, Chennai.

2.The Deputy Inspector General of Police,
Palayamkottai, Tirunelveli.

3.The Superintendent of Police,
Thoothukudi.

4.The Inspector of Police,
Puthiyamputhur Police Station,
Thoothukudi District.

<https://hcservices.ecourts.gov.in/hcservices/>
5.The Judicial Magistrate,
Thoothukudi.



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

+1CC to Mr.P.Banu Prasath, Advocate, SR.No.93668

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CrI.O.P. (MD) No.7039 of 2016
31.10.2018

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