



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.(MD).No.19986 of 2018

WEB COPY

R.Ramkillattinkudumpar ... Petitioner/Defacto Complainant
Vs.

1.The Superintendent of Police
Ramanathapuram District,
Ramanathapuram.

2.The State of Tamil Nadu
represented by the Inspector of police
Emaneswaram Police Station,
Ramanathapuram District.
(Crime No.123 of 2018)

... Respondents /Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to transfer investigation of the case in Crime No.123 of 2018 pending on the file of the second respondent police to any other independent agency or officer under the direct supervision of the superintendent of police and further to file the final report in the said case within a reasonable time period to be fixed by this Court.

For Petitioner : Mr.V.Sukumar
for Mr.M.Boopathiyan

For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor

ORDER

This petition has been filed seeking to transfer of investigation of the case in Crime No.123 of 2018 pending on the file of the second respondent police to any other independent agency.

2.The learned counsel for the petitioner/defacto complainant would submit that on a complaint given by the petitioner, the respondent police has registered a case under Sections 294(b), 506 (ii) of I.P.C., in Crime No.123 of 2018, dated 31.01.2018. The learned counsel for the petitioner would further submit that the accused person trespassed into his property and attacked the petitioner on 27.01.2018 and that on a complaint given by the petitioner C.S.R.No.21 of 2018 was issued on 28.01.2018. He would submit that further on 31.01.2018 the accused persons once again



attacked the petitioner with deadly weapons, whereas the second respondent for the reasons best known to them has not taken any action so far. Thereby, the petitioner was constrained to file a petition in CrI.M.P.No.957 of 2018, before the learned Judicial Magistrate, Paramakudi, under Section 156 of Cr.P.C., seeking to investigate and register the case, even, thereafter, no steps have been taken. Since no further action was taken, the petitioner had filed a petition under Section 345 of Cr.P.C., before the learned Magistrate on 27.07.2018. Thereafter, the case was registered by the second respondent.

3.The learned Additional Public Prosecutor would submit that investigation in this case case been completed and the final report has been made ready and the second respondent will file before the Judicial Magistrate, Paramakudi. He would further submit that the complaint has been referred as 'mistake of fact'.

4.Recording the submission made by the learned Additional Public Prosecutor, this Criminal Original Petition stands closed. If the petitioner has any grievance, he shall approach the concerned Court for seeking appropriate relief in accordance with law. The second respondent shall file the final report at the earliest and the learned Magistrate shall issue notice to the petitioner.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Judicial Magistrate, Paramakudi.

2.The Superintendent of Police
Ramanathapuram District, Ramanathapuram.

3.The Inspector of police
Emaneswaram Police Station,
Ramanathapuram District.

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

+1CC to Mr.M.Boopathipandiyan, Advocate, SR.No.95144

CrI.O.P.(MD).No.19986 of 2018

12.11.2018

LS

ES/PM/SAR 3/21.12.2018/2P/6C

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