

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 14.02.2018****CORAM**

WEB COPY

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN**Crl.O.P. (MD) .No.13133 of 2013**

C.Zophar Jothipaul ... Petitioner/De-facto complainant

Vs.

1. State through the Inspector of Police,
District Crime Branch, Tuticorin District.
(Crime Nos.5 of 2009, 12 of 2009, 18 of 2009 and 5 of 2010)
... Respondent/Complainant
2. The Superintendent of Police,
Tuticorin District, Tuticorin.
3. The Superintendent of Police,
CBCID, Tuticorin.
4. The Deputy Superintendent of Police,
CBCID, Tuticorin.
5. The Inspector of Police, CBCID, Tuticorin,
Tuticorin District. ... Respondents/ Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to issue an order or direction to withdraw and transfer the case in Crime Nos. 5 of 2009, 12 of 2009, 18 of 2009 and 5 of 2010 on the file of the 1st respondent to the respondents 2 to 5 or any other competent officer for investigation and to file the Charge Sheet in accordance with law.

For Petitioner : Mr.J.Ashok

For Respondents : Mr.A.Robinson

Government Advocate (Crl. Side)

O R D E R

The petitioner herein is the petitioner/defacto complainant in Crime No.5/2009, 12/2009, 18/2009 and 5/2010. Now, he approached this Court for direction to withdraw and transfer the investigation from the file of first respondent to any one of the respondents arrayed as 2 to 5 respondents in this application.



2. Today, when the matter is taken up for hearing the learned Government Advocate made a submission that on 11.02.2015 itself, the final report in the above cases had been filed before the Judicial Magistrate No.I, Tuticorin as mistake of fact. Further, he added the filing of final report was properly intimated to the defacto complainant on 13.02.2015. The submission made by the learned Government Advocate is recorded. Thereby, the prayer sought for by the petitioner becomes infructuous. Hence, this criminal original petition is dismissed as infructuous.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
District Crime Branch, Tuticorin District.
2. The Superintendent of Police, Tuticorin District, Tuticorin.
3. The Superintendent of Police, CBCID, Tuticorin.
4. The Deputy Superintendent of Police, CBCID, Tuticorin.
5. The Inspector of Police, CBCID, Tuticorin,
Tuticorin District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

TM

MV:GT:SAR3:26/02/2018/2P/7C

Crl.O.P. (MD) No.13133 of 2013

14.02.2018