

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.12364 of 2016

Rose

...Petitioner

-Vs-

1. The Superintendent of Police,
Tiruvallur District.
2. The Inspector of Police,
F3, Arambakkam Police Station,
Gummidipoondi, Tiruvallur District. ...Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to transfer the investigation pending on the file of the second respondent in Crime No.45 of 2015 to any other competent agency or police for the purpose of investigation the same according to law.

For Petitioner : Mr.V.Parthiban

For Respondents : Mr.C.Raghavan
Government Advocate (Cr1.Side)

ORDER

This petition has been filed seeking for transfer of investigation in Crime No.45 of 2015.

2.The learned Government Advocate on instructions submitted that the closure report has already been filed as "further action dropped" on 18.07.2016 before the Tashildar, Gummidipoondi.

3.The learned counsel for the petitioner submitted that the petitioner, who is the defacto complainant is not even aware regarding the investigation conducted by the respondent police and the procedure followed by the respondent police is completely contrary to the guidelines given by this Court in Manohari Versus The District Superintendent of Police, Sivagangai District, Sivagangai and others reported in 2018-2-L.W.(Cr1.)522.

4.The respondent police ought to have filed a closure report only before the concerned Judicial Magistrate Court after giving notice to the defacto complainant. This procedure has not been followed.

5.In view of the above, this Criminal Original Petition is disposed of with a direction to the respondent police to get back the final report filed before the Tashildar, Gummidipoondi and serve the notice to the petitioner and file the final report before the Magistrate Court. It is left open to the petitioner to file a protest petition before the concerned Magistrate and workout her remedy in accordance with the law.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

tta

To

1. The Superintendent of Police,
Tiruvallur District.
2. The Inspector of Police,
F3, Arambakkam Police Station,
Gummidipoondi, Tiruvallur District.

+1 cc to Mr.V.Parthiban, Advocate, S.R.No.62981

CrI.O.P.No.12364 of 2016

GP(CO)
SSM(28/08/2019).

सत्यमेव जयते

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