

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.06.2019
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl.O.P No.6205 of 2016

J.Baskar

Petitioner

vs.

1. The Inspector of Police,
B-9, Saravanampatti Police Station,
Coimbatore.

2. The Commissioner of Police,
Coimbatore.

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation to some other competent officer to investigate the complaint in FIR No.1156 of 2013 on the file of the first respondent police.

For Petitioners : Mr.J.Hariharan
For Respondents : Mr.C.Raghavan
Government Advocate

O R D E R

This petition has been filed seeking for transfer of the investigation in Crime No.1156 of 2013.

2. It is seen from the records that the FIR was registered in Crime No.1156 of 2013 under Section 174 of Cr.P.C. Since no effective investigation was conducted by the respondent police, the present petition has been filed for seeking for transfer of investigation.

3. The learned Government Advocate appearing on behalf of the respondent police submitted that a closure report has been filed as "Further Action Dropped" on 12.12.2014 in RCS No.11 of 2014 before the Tahsildar, Coimbatore.

4. The learned counsel for the petitioner submitted that the petitioner is the defacto complainant and he had applied before the Court below for the closure report and he was informed that no closure has been filed before the Court. The learned counsel further submitted that the respondent police ought not to have filed the closure report before the Tahsildar and it should have been filed only before the concerned jurisdictional Magistrate Court. In order to substantiate his submission, the learned counsel for the

petitioner relied upon the judgment in the case of Manohari vs. The District Superintendent of Police, Sivagangai District, Sivagangai & others reported in 2018(2) LW (Cr1) 522.

5. The petitioner is not able to pursue further with his remedy, since the final report has not been filed before the concerned Court and it has been erroneously filed before the Tahsildar, Coimbatore. This process adopted by the respondent police is completely contrary to the guidelines given by this Court in the judgment referred supra.

6. In view of the above, there shall be a direction to the 1st respondent to immediately collect the closure report from the office of the Tahsildar, Coimbatore and file the same before the Judicial Magistrate-II, Coimbatore after giving a notice to the petitioner. This process shall be completed within a period of two weeks from the date of receipt of copy of this order. Immediately after the filing of the closure report, it is left open to the petitioner to file protest petition before the concerned Court and workout his remedy in accordance with law.

7. This Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Inspector of Police,
B-9, Saravanampatti Police Station,
Coimbatore.
2. The Commissioner of Police,
Coimbatore.
3. The Public Prosecutor,
High Court of Madras, Madras.

+2ccs to Mr.Law firm, Advocate SR.No. 25735

Cr1.O.P No.6205 of 2016

A.SK(26/07/2019)