

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4226 of 2019

M.Kumar

...Petitioner

Vs.

1.Director General of Police,
The State of Tamil Nadu, Mylapore,
Chennai-4.

2.The Inspector of Police,
E-1, Mylapore, Chennai-4.

3.The Inspector of Police
CBCID, Chennai.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 1st respondent to transfer the investigation relating to FIR in Crime No.1406 of 2017, pending on the file of the 2nd respondent and to the 3rd respondent.

For Petitioner : Mr.S.Venkatesh

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed for a direction to the first respondent to transfer the investigation relating to FIR in Crime No.1406 of 2017 to the file of third respondent herein.

2. Heard the learned Counsel for the petitioner and learned Additional Public Prosecutor for the respondents.

3. The learned counsel for the petitioner would submit that the present FIR in Crime No. 1406 of 2017 was registered on 29.11.2017 on the direction of this Hon'ble Court and this Court in Crl.O.P.No.22335 of 2017. Therefore, the second respondent wantedly caused delay in filing the FIR. The same accused in the FIR is already involved in other offence under section 302 of IPC in Crime No. 83 of 2017. The allegation that the said accused murdered the brother and his sister in law and the

investigation is now pending with the second respondent. Therefore, he sought for transfer of investigation from the file of the second respondent to the file of the third respondent in respect of Crime No. 1406 of 2017.

4. The Additional Public Prosecutor would submit that the FIR was registered as against the accused and it is pending on the file of the second respondent. The FIR in Crime No. 83 of 2017 registered for an offence under section 302 of IPC. He would further submit that already the learned XVIII Metropolitan Magistrate, Saidapet passed an order in Crime No. 83 of 2017, dated 23.06.2018, the Director General of Police is hereby required to address this issue on administrative side in accordance with law.

5. It is seen that the FIR has been registered in Crime No. 1406 of 2017 for the offence under sections 454 and 380 of IPC on the file of the second respondent. As against the same accused, another case registered by the third respondent in Crime No. 83 of 2017 for an offence under section 302 of IPC. It is also seen that the second respondent did not raise any case on the complaint lodged by petitioner and only direction of this Court in Crl.O.P.No.22335 of 2017, registered the case in Crime No. 1406 of 2017. Now, the learned XVIII Metropolitan Magistrate, Saidapet, Chennai while altering the FIR in Crime No. 83 of 2017, direct the Director General of Police required to address this issue on administrative side in accordance with law.

6. Considering the facts and circumstances of the case, this Court is inclined to transfer the investigation. Accordingly the investigation relating in Crime No.1406 of 2017 is hereby withdrawn from the file of the 2nd respondent and the same is transferred to the third respondent for further investigation. The third respondent is directed to complete the investigation and file a final report within a period of three months from the date of receipt of a copy of this order.

7. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mpa/lpp

To

1. Director General of Police,
The State of Tamil Nadu, Mylapore,
Chennai-4.

2. The Inspector of Police,
E-1, Mylapore, Chennai-4.

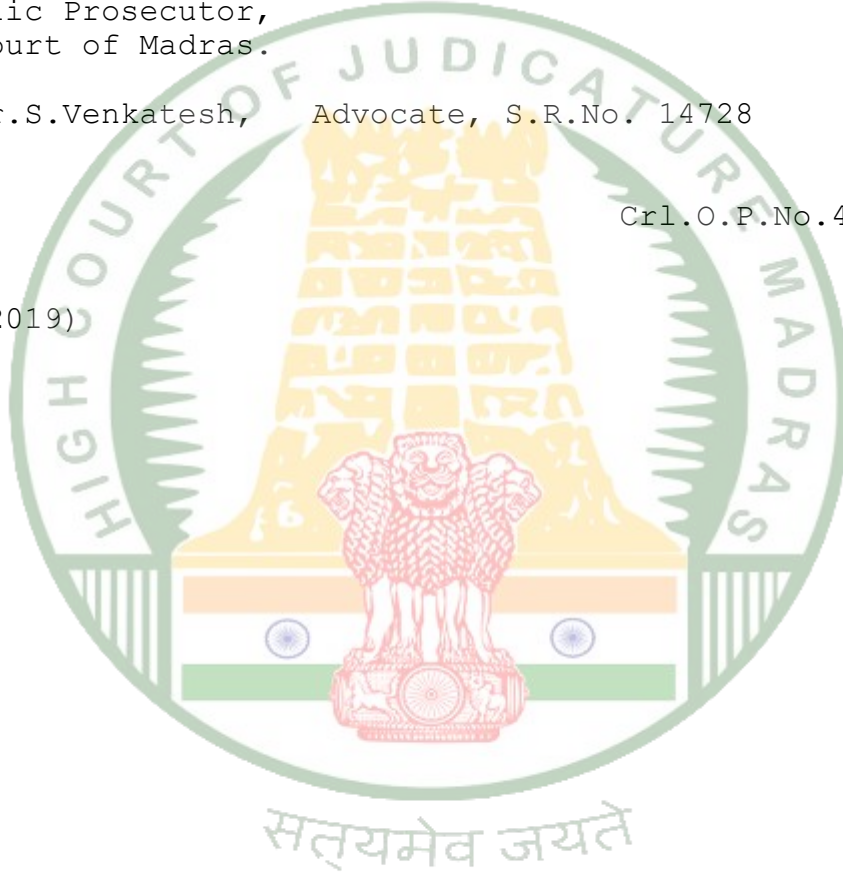
3. The Inspector of Police
CBCID, Chennai.

4. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.S.Venkatesh, Advocate, S.R.No. 14728

CrI.O.P.No.4226 of 2019

KAN(CO)
GN(25/03/2019)



WEB COPY