

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.3623 of 2019

Pappathi

... Petitioner

Vs.

1.The Superintendent of Police
Dharmapuri District
Dharmapuri

2.The Inspector of Police
CBCID, Dharmapuri

3.The Inspector of Police
A-Pallipatti Police Station
Dharmapuri District

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., directing the respondents 1 and 3 to transfer the investigation in Crime No.234 of 2018 on the file of the 3rd respondent to the file of the 2nd respondent to conduct a free and fair investigation and to file a final report within a stipulated time.

For Petitioner : Mr.C.Prabakaran

For Respondents: Mr.M.Mohamed Riyaz

Addl. Public Prosecutor

ORDER

The Criminal Original Petition has been filed by the petitioner to direct the respondents 1 and 3 to transfer the investigation in Crime No.234 of 2018 on the file of the 3rd respondent to the file of the 2nd respondent to conduct a free and fair investigation and to file a final report within a stipulated time.

2.The learned counsel for the petitioner would submit that the respondent police have failed to note that the case was initially registered for the offences punishable under Section 279 and 304(A) IPC for a brutal murder of assault case against the accused person. Such FIR was registered willfully with the knowledge of the police that it is the case of murder and therefore the investigation from the 3rd respondent is nothing but a futile exercise and the same has to be transferred to render justice to the victim. In such a manner the 3rd respondent police is discharging their public duty and driving the victims from pillar to post.

3.The learned Additional Public Prosecutor would submit that the investigation is completed in Crime No.234 of 2018.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor.

5.Considering the fact that the investigation has already been completed by the 3rd respondent, this court is not inclined to transfer the investigation in Crime No.234 of 2018. However, the 3rd respondent is hereby directed to file a final report before the concerned jurisdictional Magistrate within a period of three months, from the date of receipt of a copy of this order.

6.With the above direction, this criminal original petition stands disposed of.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police
Dharmapuri District ,Dharmapuri

2.The Inspector of Police
CBCID, Dharmapuri

3.The Inspector of Police
A-Pallipatti Police Station
Dharmapuri District

4.The Public Prosecutor,
High Court, Madras.

+lcc to Mr. C.Prabakaran, Advocate SR.No. 39681

Cr1.O.P.No.3623 of 2019

A.SK(17/05/2019)



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