

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.9622 of 2016

R.Palanisamy

..Petitioner

Vs.

1. The Superintendent of Police,
Erode District, Erode.
 2. The Deputy Superintendent of Police,
Bhavani, Erode District.
 3. The State by Inspector of Police,
Bhavani Police Station,
Erode District.
- ...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Cr.P.C., to transfer the investigation in Crime No.152 of 2016 pending on the file of the 3rd respondent to any other investigating agency.

For Petitioner : Mr.S.Yogalakshmi for
Mr.M.Guruprasad

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

सत्यमेव जयते

O R D E R

This petition has been filed seeking to transfer the investigation in Crime No.152 of 2016 pending on the file of the 3rd respondent.

2. Based on the complaint given by the petitioner, the 3rd respondent has registered an FIR in Crime No.152 of 2016 under Section 174 of Cr.PC. Since no action has been taken, the present petition has been filed before this Court.

3. The learned Additional Public prosecutor on instructions submitted that the investigation has been completed and a closure report dated 20.07.2017 was filed as "further action dropped" before the Sub Divisional Magistrate, Gobichettipalayam.

4. The learned counsel for the petitioner submitted that the petitioner is not aware about the filing of the closure report by the respondent police. The learned counsel further submitted that the procedure followed by the respondent police is totally in contravention with the guidelines given by this Court in [Manohari Vs. The Deputy Superintendent of Police, Sivagangai and another] 2018 2 LW CrL. 522.

5. Taking into consideration the facts and circumstances of the case, there shall be a direction to the 3rd respondent to get the closure report from the Sub-Divisional Magistrate, Gobichettipalayam and file the same before the Judicial Magistrate II, Bhavani. This process shall be completed within a period of two weeks from the date of receipt of copy of this order. At the time of filing the closure report before the Judicial Magistrate II, Bhavani, the petitioner shall be given a notice and the petitioner is entitled to thereafter work out his remedy by filing a protest petition before the concerned Court.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Erode District, Erode.
2. The Deputy Superintendent of Police,
Bhavani, Erode District.
3. The State by Inspector of Police,
Bhavani Police Station,
Erode District.

4. The Public Prosecutor,
High Court of Madras.

+lcc to Mr.M.Guruprasad, Advocate, S.R.No.53596

Cr1.O.P.No.9622 of 2016

MP(CO)
CS/29/07/2019



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