

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.9694 of 2016

Sarasu

... Petitioner

-Vs-

State represented by
The Sub-Inspector of Police,
H-8, Thiruvotriyur Police Station,
Chennai - 19.
(CrimeNo.1192 of 2014).

.. Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to transfer of the above case in Crime No.1192 of 2014 from the file of the Sub-Inspector of Police, H-8, Thiruvotriyur Police Station, to the file of any competent investigating agency such as C.B.C.I.D or any other investigating agency.

For Petitioner : Mr.R.Balakrishnan

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

ORDER

This Criminal Original Petition has been filed seeking to transfer the investigation in Crime No.1192 of 2014 pending on the file of the respondent police.

2. Based on the complaint given by the petitioner, the respondent police has registered an FIR in Crime No.1192 of 2014 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 23.05.2016 was filed as "further action dropped" before the Tahsildhar, Thiruvotriyur.

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 respondent to get the closure report from the Tahsildhar, Thiruvotriyur and file the same before the learned Judicial Magistrate, Thiruvotriyur. 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, Thiruvottiyur, 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.

s/d-

Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

msrm

To

1. The learned Judicial Magistrate,
Thiruvotriyur.
2. The Sub-Inspector of Police,
H-8, Thiruvotriyur Police Station,
Chennai - 19.
3. The Public Prosecutor,
High Court of Madras,
Madras.

+1 CC to Mr. R. Balakrishnan, Advocate sr 53028.

CrL.O.P.No.9694 of 2016

KS (CO)
SP (25/07/2019)