

IN THE HIGH COURT JUDICATURE AT MADRAS

DATED: 18.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.2989 of 2015

George John

... Petitioner

Vs.

1. The Commissioner of Police,
Salem City,
Salem.

2. The Inspector of Police,
Central Crime Branch,
(Special Cell for Prevention of land grabbing),
Salem City,
Salem.

3. The Inspector of Police,
CBCID,
Salem City,
Salem.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to transfer the investigation in Crime No.25 of 2013 from the second respondent to the third respondent, CBCID.

For Petitioner : Mr.S.Manoharan

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

ORDER

This Writ Petition has been filed seeking for transfer of investigation in Cr.No.25 of 2013, pending on the file of the second respondent.

2. The learned Additional Public Prosecutor, on instructions, would submit that the respondent police completed the investigation and filed a final report before the learned Judicial Magistrate - III, Salem and the same was taken on file

in C.C.No.2 of 2017. This came to be challenged by the accused persons before this Court by filing the Crl.O.P.No.4379 of 2017, and this Court by an order dated 30.10.2017, quashed the entire proceedings.

3.The learned counsel for the petitioner would submit that this petitioner is the de facto complainant and he was not even added as a party in the quash proceedings and the petitioner was completely kept in dark.

4. In view of the subsequent development, the relief as sought for in this Writ Petition cannot be granted by this Court. This Writ Petition is disposed of by giving liberty to the petitioner to work out his remedy by filing an appropriate petition seeking for recalling the order passed in Crl.O.P.No.4379 of 2017, if so advised. No costs.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

dh/kp

To

1. The Judicial Magistrate - III, Salem.
2. The Commissioner of Police,
Salem City, Salem.
3. The Inspector of Police,
Central Crime Branch,
(Special Cell for Prevention of land grabbing),
Salem City, Salem.
4. The Inspector of Police,
CBCID, Salem City,
Salem.
5. The Public Prosecutor,
High Court, Madras.

W.P.No.2989 of 2015

PPA (CO)
GMY (14/02/2019)