

2IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9607 of 2019
and Crl.M.P.No.5024 of 2019

Rasathi

... Petitioner

Vs.

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.

2. State by
Inspector of Police,
Kattumannarkoil Police Station,
Cuddalore District.
(Crime No.403 of 2017)

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the proceedings in RCS No.1 of 2019 dated 29.08.2017 and transfer the investigation of the above said case in Crime No.403 of 2017 dated 28.08.2017 on the file of the 2nd respondent herein, the Inspector of Police, Kattumannar Koil Police Station, Cuddalore District to the file of The Superintendent, CBCID, Cuddalore or any other competent investigating agency for proper investigation and report before competent Court.

For Petitioner : Mr.R.Ramamoorthy

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

WEB COPY
O R D E R

This Criminal Original Petition has been filed to set aside the proceedings in RCS No.1 of 2019 dated 29.08.2017 and transfer the investigation of the case in Crime No.403 of 2017 dated 28.08.2017 on the file of the 2nd respondent herein i.e., the Inspector of Police, Kattumannar Koil Police Station, Cuddalore District to the file of The Superintendent, CBCID,

Cuddalore or any other competent investigation agency for proper investigation and report before the competent Court.

2. It is seen that the 2nd respondent registered a case in Crime No.403 of 2017 dated 28.08.2017 under Sections 147, 427, 294(b), 352 r/w 380 of IPC and on the very next day viz., 29.08.2017 filed an 'alteration of offence' report and the same has been filed before the Judicial Magistrate, Kattumannar Koil on 25.02.2019 and Referred Charge Sheet notice has been issued to the petitioner on 13.03.2019. Now the said alteration is under challenge before this Court. However, it cannot be considered here and the prayer sought for by the petitioner cannot be granted now. However, the petitioner is at liberty to file a protest petition before the Judicial Magistrate, Kattumannar Koil as against the deletion of the accused A2 to A4 in Crime No.403 of 2017.

3. The learned Additional Public Prosecutor submitted that after deletion of the accused 2 to 4, the 2nd respondent completed the investigation and also filed a final report as against A1 and A5 before the Judicial Magistrate, Kattumannar Koil.

4. Considering the facts and circumstances of the case the learned Judicial Magistrate, Kattumannar Koil is directed to conduct enquiry on the protest petition to be filed by the petitioner and thereafter, the learned Judicial Magistrate, Kattumannar Koil is also directed to take cognizance of the final report filed by the 2nd respondent.

5. With the above direction this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

ssr

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.
2. The Inspector of Police,
Kattumannarkoil Police Station,
Cuddalore District.

3. The Public Prosecutor,
High Court, Madras.

4. The Judicial Magistrate,
Kattumannar Koil.

+lcc to Mr.R.Ramamoorthy, Advocate, SR.No.37445

CrI.O.P.No.9607 of 2019
and
CrI.M.P.No.5024 of 2019

Kak(30/05/2019)



WEB COPY