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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.16652 of 2019

S.Raghuraman

...Petitioner

-Vs-

1. The Additional Director General of Police,
Crime Branch CID,
Head Quarters,
Chennai.

2. The Superintendent of Police,
Namakkal District.

3. The Inspector of Police,
Crime No.764 of 2012
Pallipalayam Police Station,
Namakkal District.

...Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct respondents 2 and 3 to withdraw the case file in Crime No.764 of 2012 from the file of the 3rd respondent and transfer the same to CBCID respondent for fair investigation in Crime No.764 of 2012.

For Petitioner : Mr.Manokaran, N.

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

ORDER

This petition has been filed seeking for transfer of investigation in Crime No.764 of 2012 pending on the file of the third respondent Police.

2.It is seen from the records that an FIR came to be registered under Section 174 of Cr.P.C., based on the complaint given by the petitioner on the suspicious death of the grandmother of the petitioner. Since there is no progress in the investigation, the present petition has been filed seeking for transfer of investigation.



3.The learned Additional Public Prosecutor on instructions, submitted that the investigation was completed and a closure report was filed as further action was dropped on 28.10.2012 before the Revenue Divisional Officer, Thiruchengode.

4.The learned counsel for the petitioner submitted that the entire procedure adopted by the respondent Police is illegal and is opposed to the judgment of this Court in the case of MANOHARI AND OTHERS V. THE DISTRICT SUPERINTENDENT OF POLICE AND OTHERS reported in 2018 (2) LW Criminal Page 522.

5.This Court has carefully considered the submissions made on either side and also materials placed on record.

6.The procedure adopted by the third respondent is completely in violation of the guidelines given by the judgment referred supra. Even if a closure report is filed, the same can only be filed before the concerned jurisdictional Magistrate Court, after giving notice to the complainant. Only by adopting to such a process, the defacto complainant will be able to work out his rights by filing protest petition before the concerned Jurisdictional Magistrate Court.

7.In the result, this Criminal original Petition is disposed of and there shall be a direction to the third respondent to get back the closure report from the Revenue Divisional Officer, Tiruchengode and file the same before the concerned jurisdictional Judicial Magistrate Court, after giving notice to the petitioner. The petitioner shall be thereafter entitled to file a protest petition and work out his remedy in accordance with law.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Director General of Police,
Crime Branch CID,
Head Quarters,
Chennai.
2. The Superintendent of Police,
Namakkal District.



3. The Inspector of Police,
Crime No.764 of 2012
Pallipalayam Police Station,
Namakkal District.

4. The Public Prosecutor,
Madras High Court,
Chennai-108.

+1 cc to M/s.N.Manoharan, Advocate, S.R.No.58818

Crl.O.P.No.16652 of 2019

MG(CO)
SSM(20/08/2019) .