

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2019
CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.17874 of 2017

P.Mathiazhagan

... Petitioner

Vs

1.The State Represented by
The Inspector of Police,
Crime Ariyaloor Police Station,
Crime No.625 of 2016

2.The Superintendent of Police,
Ariyaloor District,
Ariyaloor.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to allow this Criminal Original petition and direct the transfer the investigation in the case in Crime No.625 of 2016 from the file of the Ariyaloor Police Station to some other officer or agency for investigation and disposal in accordance with law.

For Petitioner : Mr.R.Srinivas
For Respondents: Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to transfer the investigation in Cr.No.625 of 2016 on the file of the first respondent to some other officer or agency.

2. The petitioner already filed a petition to transfer the investigation in Crl.O.P.No.25629 of 2016 before this Court and this Court by an order dated 25.11.2016, though not inclined to transfer the investigation, directed the Deputy Superintendent of Police to monitor the investigation in Cr.No.625 of 2016 and to complete the same and file a final report as expeditiously as possible. Even then, the first respondent did not complete the investigation and as such the petitioner once again come forward this petition for transfer of the investigation.

3.The learned Additional public Prosecutor would submit that already investigation has been completed and final report was filed on 07.11.2016 itself, and therefore, nothing survives in this petition and prayed for dismissal of this petition.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

5.It is seen that though the first respondent completed the investigation on 07.11.2016, final report has been filed before the concerned Judicial Magistrate only on 15.02.2017. The first respondent issued Referred charge sheet notice to the petitioner and on receipt of the same the petitioner

already filed a protest petition before the Judicial Magistrate, Ariyaloor and it is pending for enquiry.

6.Considering the above facts and circumstances of the case, now the question of transfer of investigation does not arise. However, the learned Judicial Magistrate, Ariyaloor is directed to conduct the enquiry.

7.The order passed by this court in Crl.O.P.No.25629 of 2016 by order dated 25.11.2016 reads as follows:

"However, the Deputy Superintendent of Police is directed to monitor the investigation in Crime No.625 of 2016 and if it is found that the allegations therein are not true, it is needless to state that the case should be closed under due intimation to Mathiazhagan. The respondent police is directed to complete the investigation expeditiously."

8.In view of the above, this Court without going into merits of the case, directs the learned Judicial Magistrate, Ariyaloor to conduct enquiry on the protest petition filed by the petitioner. If any cognizable offence is meted out by the petitioner the concerned Judicial Magistrate is directed to taking cognizance and issue summons to the parties concerned and proceed with the trial on merits and in accordance with law.

8.With the above direction, this Criminal Original Petitions is disposed of.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

vsn/mpa

To

1.The State Represented by
The Inspector of Police,
Crime Ariyaloor Police Station,
Crime No.625 of 2016

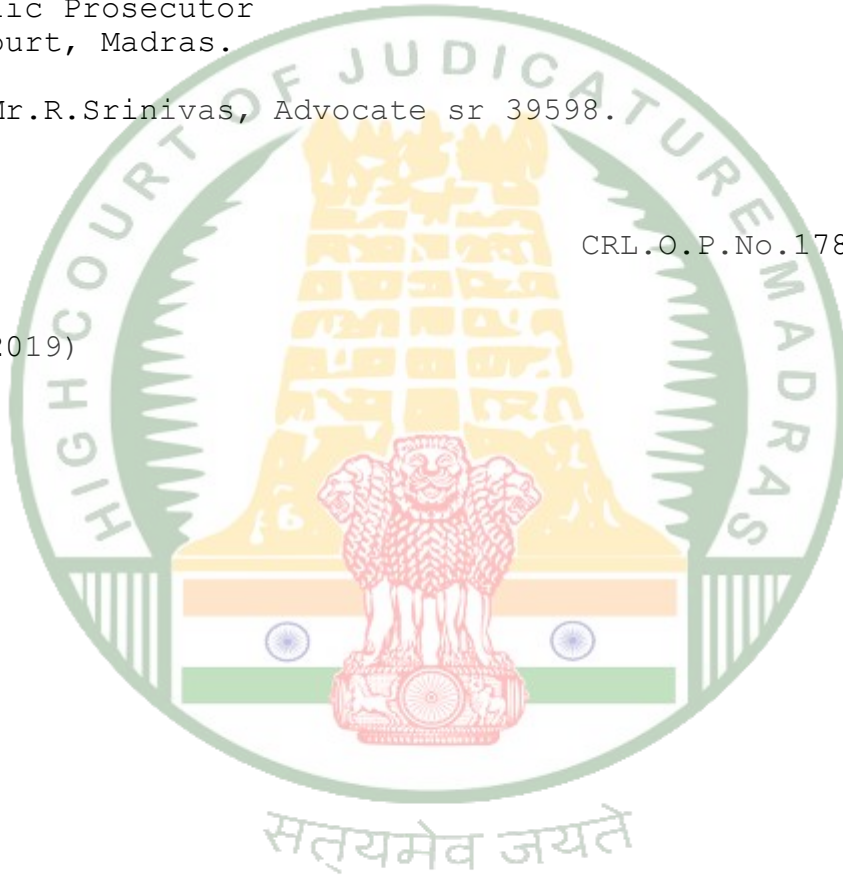
2.The Superintendent of Police,
Ariyaloor District,
Ariyaloor.

3.The Public Prosecutor
High Court, Madras.

+1 Cc to Mr.R.Srinivas, Advocate sr 39598.

CRL.O.P.No.17874 of 2017

PMS (CO)
SP(26/04/2019)



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