



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI OP(MD)No.5685 of 2019

P.Ramkumar

... Petitioner

Vs.

1.The Deputy Commissioner of Police,
Trichy.

2.The Assistant Commissioner of Police,
Srirangam Range,
Trichy.

3.The Inspector of Police,
Uraiyur Police Station,
Trichy.

...Respondents

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code, to transfer the investigation of Cr.No.175 of 2018 from 3rd respondent police to any other police or competent agency for fair and impartial investigation.

For Petitioner : Mr.K.P.Narayanakumar

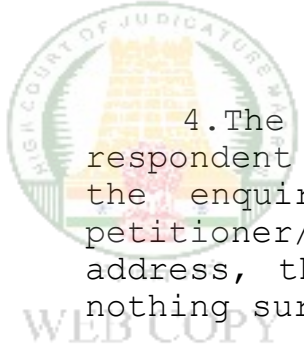
For Respondents : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor,

ORDER

This criminal original petition has been filed seeking to transfer the investigation of Cr.No.175 of 2018 from 3rd respondent police to any other police or competent agency for fair and impartial investigation

2.Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing the respondent Police.

3.The learned Counsel appearing for the petitioner submitted that the *de facto* complainant/ petitioner made a complaint against the accused that the accused borrowed a sum of Rs.26,00,000/- to meet out her financial crisis. However, the accused has not repaid the borrowed amount. Hence, the petitioner made a complaint before the respondent Police. Though, a case has been registered in the year 2018, there is no progress in the case and the respondent Police has not taken any steps to examine the witnesses. Therefore, the present petition has been filed seeking to transfer the investigation from file of the respondent Police to any other



4.The learned Additional Public Prosecutor appearing for the respondent submitted that the enquiry has been conducted and after the enquiry the case closed as mistake of fact. Since, the petitioner/ de facto complainant was not available at the given address, the RCS Notice was put up in the said address and hence, nothing survives for any further adjudication in this petition.

5.In view of the above submissions made on either side, the respondent Police is directed to serve the RCS notice to the petitioner. Thereafter, the petitioner is granted liberty to work out his remedy in the manner known to law.

6.With the above directions, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Deputy Commissioner of Police,
Trichy.
- 2.The Assistant Commissioner of Police,
Srirangam Range,
Trichy.
- 3.The Inspector of Police,
Uraiyur Police Station,
Trichy.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.P.NARAYANAKUMAR, Advocate, SR.No. 61660

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DSK

KK/SAR/02.05.2019/ 2P- 6C