

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 22.03.2019****CORAM****THE HONOURABLE MR. JUSTICE B.PUGALENDHI****Cr1.O.P. (MD)No.978 of 2016**

K.S.Palanichamy .. Petitioner/Defacto Complainant

Vs.

1. The Commissioner of Police,
Madurai City.
2. The Superintendent of Police,
C.B.C.I.D., Chennai.
3. The Deputy Superintendent of Police,
C.B.C.I.D., Chennai.
4. The Inspector of Police,
City Crime Branch, Madurai City.
(Crime No.3 of 2014)
5. The Inspector of Police,
C.B.C.I.D., Madurai.

.. Respondents

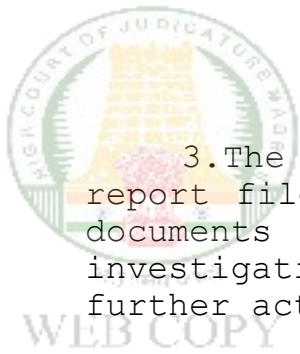
PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation of the case in Crime No.3 of 2014 from the file of the 4th respondent to the file of 5th respondent for proceeding with the same.

For Petitioner : Mr.R.Anand

For Respondents : Mr.M.Chandrasekaran
Additional Public Prosecutor**ORDER**

This petition is filed by the defacto complainant for transfer of investigation in Crime No.3 of 2014.

2.When the matter was taken up for hearing on 15.03.2019, the learned Additional Public Prosecutor produced the copy of the final report in Crime No.3 of 2014 and stated that the complaint of the defacto complainant has been closed as action dropped. At the request of the counsel for the petitioner the copy of the final report was also furnished to the petitioner.



3.The learned counsel for the petitioner attacked the final report filed by the respondent police by stating that the material documents have not been taken into consideration and the investigating officer simply closed the FIR in Crime No.3 of 2014 as further action has been dropped in a mechanical manner.

4.Since the respondent police has filed the final report before the concerned Magistrate, the petitioner is having a right to file a protest petition as against the final report filed by the respondent police. In the event of filing the protest petition by the petitioner, the learned Magistrate can consider the material documents which is filed by the petitioner and can find out whether the investigation has been carried out in a proper manner and can pass an order for further investigation.

5.When the remedy very much is available to the petitioner by filing protest petition before the concerned Magistrate, this Court is inclined to pass an order directing the petitioner to file a protest petition before the concerned Magistrate within a period of one week from the date of receipt of a copy of this order. In the event of such application is filed the learned Magistrate shall consider the same and pass necessary orders in accordance with law within a period of two weeks thereafter.

6.With the above directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (P&A)

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Sub Assistant Registrar(CS)

To

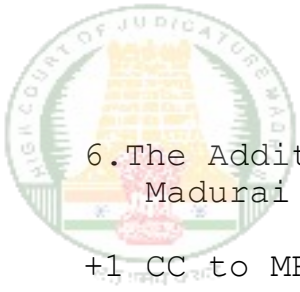
1.The Commissioner of Police,
Madurai City.

2.The Superintendent of Police,
C.B.C.I.D., Chennai.

3.The Deputy Superintendent of Police, C.B.C.I.D., Chennai.

4.The Inspector of Police, City Crime Branch, Madurai City.

<https://hcservices.ecourts.gov.in/hcservices/>
5.The Inspector of Police, C.B.C.I.D., Madurai.



6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to MR.R.ANAND, Advocate (SR-56436[F] dated 25/03/2019)

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TM

AE (25.04.2019) 4P 8C