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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :12.11.2019

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THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P(MD) Nos.4272 and 4273 of 2018
and
Crl.M.P(MD) Nos.2092 and 2093 of 2018

Ragavelu .. Petitioner in both petitions

vs

1. The Superintendent of Police
   Subramaniyapuram
   Trichy District

2. The Deputy Superintendent of Police
   Subramaniyapuram
   Trichy District

3. The Inspector of Police
   Thiruverumbur Police Station
   Trichy District ...Respondents in both petitions
(Crime No.269 7 270 /2004)

Common Prayer: Criminal Original Petitions filed under section 482 of Criminal Procedure Code, to direct the first respondent to transfer the investigation in Crime Nos.270 of 2004 and 269 of 2004 pending on the file of the second respondent to any other competent independent agency to take necessary action at earliest in accordance with law to nab the accused.

(In Both petitions)

For Petitioner : M/s.R.Yamua

For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate(Crl.Side)

COMMON ORDER

These Criminal Original Petitions have been filed to direct the first respondent to transfer the investigation in Crime Nos.270 of 2004 and 269 of 2004 pending on the file of the second respondent to any other competent independent agency to take necessary action at earliest in accordance with law to nab the accused.

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2.The learned Government Advocate(Crl.Side) submitted that a case has been registered in Crime No. 270 of 2004 for the offences

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under Sections 147,323,453 r/w.109,34 of IPC and Crime No. 269 of 2004 for the offences under Sections 448,342,323,379 of IPC and filed final reports as 'Mistake of Fact' Thereafter the petitioner filed protest petition and the same has been directed for further investigation. On further investigation charge sheets were laid and the same have been taken cognizance in C.C.Nos.21 and 20 of 2009 by the learned Judicial Magistrate No.VI, Trichy on 28.01.2019. In the said charge sheet there are so many allegations as against the petitioner also. Thereafter the petitioner filed protest petition in CMP.No. 1124 of 2009 and the same was dismissed on 13.10.2010 and CMP No.1125 of 2009 was allowed on 04.01.2001. Thereafter the petitioner filed direction petitions before this Court and this Court by an order dated 15.11.2010 in Crl.O.P(MD) No.12621 of 2010 and Crl.O.P(MD) No.12619 of 2010 set aside the order passed by the learned Magistrate directing the second respondent to conduct fresh investigation and file final reports before the learned Judicial Magistrate No.VI, Trichy, and posted the case for hearing on 06.01.2020.

3. At this stage, the transfer of investigation cannot be considered. Hence the Criminal Original Petitions stands dismissed. Consequently connected miscellaneous petitions are also dismissed. However the learned counsel for the petitioner submitted that the main accused has not been included in the final reports. Considering the above facts and circumstances of the case, the petitioner is at liberty to invoke the provisions under Sections 216 and 319 of Cr.P.C before the trial court if any incriminating evidences are available as against the proposed accused persons.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Superintendent of Police
   Subramaniyapuram
   Trichy District

2. The Deputy Superintendent of Police
   Subramaniyapuram
   Trichy District

3. The Inspector of Police
   Thiruverumbur Police Station
   Trichy District

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

+1 CC to M/s.R.YAMUNA, Advocate (SR-98166[F] dated 14/11/2019)

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and
Crl.M.P(MD) Nos.2092 and 2093 of 2018
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