



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2019

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.K. ILANTHIRAIYAN

Crl.O.P.(MD)No.11986 of 2019 and
Crl.M.P(MD).Nos. 7524 and 7525 of 2019

1.R. Kalanidhi

2.M. Manikandan

3.T. Pilavadiyan

.. Petitioners / A1 to A3

Vs.

1. The Director General of Police,
Government of Tamil Nadu,
O/o. The Director General of Police,
Chennai.

2.The Deputy Superintendent of Police,
O/o. The Superintendent of Police,
Madurai District,
Madurai.

3.The Superintendent of Police,
O/o. Superintendent of Police,
Madurai District,
Madurai.

4.The Inspector of Police,
Austinpatti Police Station,
Madurai District,
Madurai.
(Crime No. 166 of 2019)

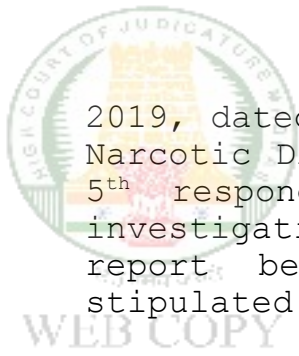
5.Arun

6.Padmasri Babi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to conduct the investigation pertaining to the case in Crime No.166 of

<https://hcservices.courts.gov.in/hcservices/>



2019, dated 28.06.2019 registered u/s. 8(c) 20(b) (ii) (B) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 on the file of 5th respondent and entrust the same to 3rd respondent for an investigation of the case by a Competent Officer and file a final report before the jurisdictional Magistrate within the time stipulated by this Court.

For Petitioners : Mr. T. Lajapathi Roy

For R1 to R4 :Mr. K. Chellapandian
Additional Advocate General
assisted by
Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

O R D E R

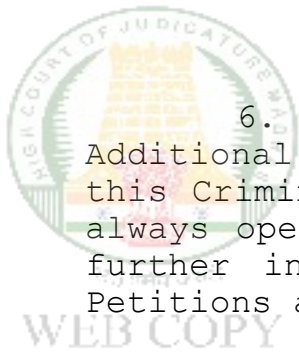
This Criminal Original Petition has been filed for issuing a direction to the 2nd respondent to transfer the investigation pertaining to the case in Crime No.166 of 2019, dated 28.06.2019 registered u/s. 8(c) 20(b) (ii) (B) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985, on the file of 5th respondent and entrust the same to 3rd respondent for an investigation of the case by a Competent Officer and file a final report before the jurisdictional Magistrate within a time frame to be fixed by this Court.

2. The learned counsel appearing for the petitioners submitted that in order to show the petitioners as habitual offenders, repeatedly, 5th respondent foisted false case against them. This is one such case.

3. The case of the petitioners is that while remand, the petitioners showed the injuries sustained at the hands of the 5th respondent, before the remanding Magistrate which caused the registration of the present case.

4. The learned Additional Advocate General appearing for the respondents 1 to 4 would submit that the 3rd respondent has already changed the Investigating Officer and one Sivasanthi, who was appointed as Investigating Officer on 08.07.2019, conducted an enquiry and investigation, filed the final report in C.C.No. 333 of 2019, on the file of the Special Court for NDPS Cases, Madurai. Therefore, the prayer sought for by the petitioner has become infructuous.

5. At this juncture, the learned counsel appearing for the petitioners seeks liberty to approach the concerned Court for further investigation.



6. Recording the said submission made by the learned Additional Advocate General appearing for the respondents 1 to 4, this Criminal Original Petition is dismissed as infructuous. It is always open to the petitioners to approach the concerned Court for further investigation. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (A.S)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Director General of Police,
Government of Tamil Nadu,
O/o. The Director General of Police,
Chennai.

2.The Deputy Superintendent of Police,
O/o. The Superintendent of Police,
Madurai District, Madurai.

3.The Superintendent of Police,
O/o. Superintendent of Police,
Madurai District, bMadurai.

4.The Inspector of Police,
Austinpatti Police Station,
Madurai District,
Madurai.

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

+1 CC to Mr.T.LAJAPATHI ROY, Advocate SR-85846.

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CS (20.09.2019) 3P 7C