



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.12465 of 2019

M. Thiagarajan

...Petitioner

-Vs-

1.The Superintendent of Police
Ramanathapuram District,
Ramanathapuram.

2.The Inspector of Police (Circle Inspector),
Keelakarai Police Station,
Ramanathapuram District.

3.The Sub-Inspector of Police
Thirupullani Police Station,
Ramanathapuram District.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, directing the 1st respondent Police to Transfer the Investigation in FIR in Crime No.168/2018 dated 12.12.2018 from the 3rd respondent police to any other independent agency not below the rank of Deputy Superintendent of Police with the direction to conduct further investigation.

For Petitioner : Mr.P.M.Vishnuvarthanan

For R1, R2 and R3 : Mr.K.Suyambulinga Bharathi
Government Advocate (crl.side)

ORDER

This petition has been filed to direct the first respondent police to transfer the Investigation in Crime No.168 of 2018 dated 12.12.2018 from the third respondent police to any other independent agency not below the rank of Deputy Superintendent of Police with the direction to conduct further investigation.

2.Heard both sides.

3.The learned counsel for the petitioner would submit that initially the petitioner lodged a complaint before the respondent police, but, they did not take any action. Therefore, he filed a



direction petition in Crl.O.P.(MD)No.13315 of 2018 and a direction issued by this Court, by order, dated 30.07.2018, the respondent police even did not take any action and therefore, the petitioner filed a contempt petition in Cont.P.(MD)No.130 of 2019 and thereafter only a crime has been registered in Crime No.168 of 2018 dated 12.12.2018, only under Section 294(b) of I.P.C., there are somany allegations against the accused, even then they did not alter the offence and also conduct enquiry as against the accused. Therefore the petitioner sought for transfer of investigation.

4.The learned Government Advocate (criminal side) would submit somany occasions summons issued to the petitioner herein / defacto complainant to attend the enquiry even after receipt of the same, the petitioner herein never appeared.

5.Considering the above facts and circumstances of the case, the petitioner is directed to participate in the enquiry to be conducted by the second respondent and the second respondent is directed to conduct further investigation and file a final report within a period of three months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

Ls

To

1.The Superintendent of Police
Ramanathapuram District,
Ramanathapuram.

2.The Inspector of Police (Circle Inspector),
Keelakarai Police Station,
Ramanathapuram District.

3.The Sub-Inspector of Police
Thirupullani Police Station,
Ramanathapuram District.



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

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-86222[F] dated
10/09/2019)

Crl.O.P. (MD) No.12465 of 2019
06.09.2019

JMN(26.09.2019) 3P : 6C