



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD).No.10249 of 2018

WEB COPY

Arulraj

... Petitioner/*De-facto* Complainant

Vs.

1. The Director General of Police,
Office of the Director General of Police,
Mylapore, Chennai - 4.
2. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
3. The Inspector of Police,
CBCID Police, Virudhunagar.
4. The Inspector of Police,
Sethur Rural Police Station,
Virudhunagar District.
(In Crime No.88 of 2018)

... Respondents / Respondents

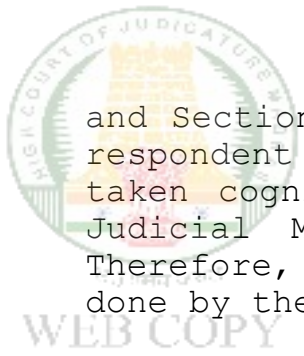
Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to direct the first respondent to order change of investigation in the matter relating to the Crime No.88 of 2018 on the file of the fourth respondent and entrust the same to respondent No.3 for investigation of the case and file a charge sheet before the appropriate Jurisdictional Magistrate within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.C.Mayilvahana Rajendran
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate(Crl.Side)

O R D E R

This petition has been filed seeking a direction to the first respondent to change of investigation in Crime No.88 of 2018 from the file of the 4th respondent and entrust the same to the respondent No.3 for investigation of the case and file a charge sheet before the appropriate Jurisdictional Magistrate.

2. The learned Government Advocate (Crl.side) appearing for the respondents would submit that on the complaint lodged by the petitioner, the 4th respondent has registered the case in Crime No.88 of 2018 for the offences under Sections 294(b), 324, 506(ii) of IPC



and Section 3 of TNPDL Act. After completion of investigation, the respondent police has filed a final report and the same has been taken cognizance in C.C.No.57 of 2019 on the file of the learned Judicial Magistrate, Rajapalayam and it is pending for trial. Therefore, the change of investigation will affect the investigation done by the respondent police.

3. Considering the above facts and circumstances of the case, the change of investigation cannot be considered at this stage. Hence, this Criminal Original Petition is dismissed as devoid of merits. However, the grievance of the petitioner is to implead the other accused person. The petitioner is at liberty to invoke provision under Section 319 of Cr.P.C. before the trial Court during the trial.

Sd/-

Assistant Registrar (Ad-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Director General of Police,
Office of the Director General of Police,
Mylapore, Chennai - 4.
2. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
3. The Inspector of Police,
CBCID Police, Virudhunagar.
4. The Inspector of Police,
Sethur Rural Police Station,
Virudhunagar District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD) .No.10249 of 2018
07.11.2019

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