



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2019

CORAM:

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

Crl.O.P.(MD)No.15073 of 2019

WEB COPY

Sundarnath

... Petitioner/De-facto Complainant
Vs

1. The Superintendent of Police
Kanyakumari District Nagercoil
- 2.The State Rep by
The Inspector of Police
Kottar Police Station
Kottar,Kanyakumari District
(Crime No.386 of 2019) ...1 and 2 Respondents/Respondents
3. The Deputy Superintendent of Police
CBCID, Perumalpuram
Palayamkottai
Tirunelveli District ...3rd Respondent/Proposed
Investigation Agency

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the case in Cr No. 386/2019 on the file of the Inspector of police, Kottar Police station, Kottar, Kanyakumari District to be withdrawn and transfer to the 3rd Respondent from the file of the 2nd Respondent for further effective, sincere and unbiased investigation forthwith.

For Petitioner : Mr.S. Palanivelayutham

For Respondents : Mr.K.Suyambulinga Bharathi
No.1 to 3 Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to withdraw and transfer the Crime No. 386/2019 on the file of the second respondent to the 3rd Respondent for further effective, sincere and unbiased investigation forthwith.

2. On the complaint lodged by the petitioner the second respondent registered a case in crime No.386 of 2019 for the offences under Sections 294(b), 323, 506(ii) and 379 (NP) of IPC.

3. The learned counsel for the petitioner would submit that there are four accused in this case and the second respondent is

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not taking any steps to secure them and investigation is still pending.

4. The learned Government Advocate(Crl.Side) would submit that there are four accused in crime No.386 of 2019 for the offences under Sections 294(b), 323, 506(ii) and 379 (NP) of IPC, so far they have arrested second accused and A1 and A4 already got anticipatory bail and investigation is still in progress.

4. Considering the facts and circumstances of the case, at this stage transfer of investigation would not serve any purpose as alleged by the petitioner. Hence the petition is dismissed. However the second respondent police is directed to complete the investigation and file final report within a period of twelve weeks from the date of receipt of a copy of this order. Further the first respondent is directed to monitor the investigation done by the second respondent and shall ensure that the second respondent shall complete the investigation as directed by this Court.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Superintendent of Police
Kanyakumari District at Nagercoil
- 2.The Inspector of Police
Kottar Police Station
Kottar,Kanyakumari District
3. The Deputy Superintendent of Police
CBCID, Perumalpuram
Palayamkottai
Tirunelveli District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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KK/SAR/06.11.2019/2P-5C/