

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5291 of 2020

S.Sanmugasundaram

... Petitioner/
Defacto Complainant

Vs.

1.The Superintendent of Police,
Salem District.

2.The Deputy Superintendent of Police,
Salem District.

3.The Inspector of Police,
Mallur Police Station,
Salem District.

... Respondents

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first respondent police to transfer the pending investigation in Crime No. 10 of 2020, dated 15.01.2020 from the third respondent Police i.e., from the Mallur Police Station, Salem District and transfer the same to any other Competent Agency and file a final report.

For Petitioner : Mr.N.Vijaya Basker

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the first respondent police to transfer the pending investigation in Crime No.10 of 2020, dated 15.01.2020 from the third respondent Police i.e., from the Mallur Police Station, Salem District and transfer the same to any other Competent Agency and file a final report.

2 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents and perused the materials placed on record.

3 The learned counsel appearing for petitioner would submit that the petitioner has lodged a complaint before the respondents herein against the accused persons. But, the third

respondent has filed a case in Crime No.10 of 2020, on 15.01.2020, for the offences under Section 427 and 506(i) of IPC instead of the offences under Sections 378 & 506 (ii) of IPC. Therefore, he sought for transfer of investigation.

4 The learned Additional Public Prosecutor would submit that on the complaint received from the counter parties, there is a counter complaint and it is also pending.

5 Taking into consideration the facts and circumstances, this Court is of the view that the change of investigation would affect the entire investigation. Therefore, this Court is not inclined to transfer the investigation from the file of third respondent. However, the Second respondent is directed to monitor the investigation and the third respondent is directed to complete the investigation within a period of twelve weeks from the date of receipt of a copy of this order.

6 Accordingly, the Criminal Original Petition is disposed of with the above directions.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Superintendent of Police,
Salem District.
- 2.The Deputy Superintendent of Police,
Salem District.
- 3.The Inspector of Police,
Mallur Police Station,
Salem District.
- 4.The Public Prosecutor,
High Court, Madras.

+1 CC to M/s. Law Vision, sr 20316

Cr1.O.P.No.5291 of 2020

RSK(CO)
SP(28/05/2020)