

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.6166 of 2020

A. Baskaran

... Petitioner/Defacto Complainant

Vs.

1. The Superintendent of Police,
Office of the District Superintendent of Police,
Cuddalore,
Cuddalore District.

2. The Inspector of Police,
Cuddalore OT Police Station,
Cuddalore District.
(Cr.No.147/2019)

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to ensure the fair, impartial and independent investigation by transferring the said murder case in Crime No.147/2019 pending before the second respondent under Section 174(1) of Cr.P.C to any other law enforcement agency either by the state or by Central and preserve the witness/evidences by registering the case against the influential persons in the complaint.

For Petitioner : Mr.S.Seenuvasan

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed for change of investigation in Crime No.147 of 2019, which has been a registered for the offence under Section 174(1) Cr.P.C.

2. When this Criminal Original Petition has been taken up, the learned Additional Public Prosecutor has submitted that investigation has been completed and the case has been closed as mistake of fact on 21.05.2019 itself. He further submitted that the final report has been filed before the Revenue Authority since the case has been registered for the offence under Section

174(1) Cr.P.C and therefore, the change of investigation does not arise. However, he submitted that the second respondent ought to have filed the final report before the concerned jurisdictional Magistrate Court.

3. Considering the above facts and circumstances, the second respondent is directed to serve a referred charge sheet notice to the petitioner and the de-facto complainant and file a final report before the concerned jurisdictional Magistrate within a period of two weeks from the date of receipt of a copy of this order. However, the petitioner is at liberty to file a protest petition before the concerned jurisdictional Magistrate.

4. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Office of the District Superintendent of Police,
Cuddalore,
Cuddalore District.
2. The Inspector of Police,
Cuddalore OT Police Station,
Cuddalore District.
3. The Additional Public Prosecutor,
High Court, Madras.

+1 CC to Mr.S.Seenuvasan, Advocate, sr 23985

Cr1.O.P.No.6166 of 2020

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srg 21/07/2020