

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2020

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.OP.No.6917 of 2020

S.Durairaj .. Petitioner/Defacto Complainant

-vs-

- 1.State rep.by
The Superintendent of Police,
Namakkal,
Namakkal District.
- 2.The Inspector of Police,
Elachipalayam Police Station,
Namakkal District.
Cr.No.61 of 2020 .. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code to direct the first respondent to transfer the investigation in Crime No.61 of 2020 on the file of second respondent to any other competent investigation officer within the jurisdiction of the first respondent herein under his supervision.

Petitioner : Mr.C.S.Saravanan
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed to direct the first respondent to transfer the investigation in Crime No.61 of 2020 on the file of second respondent to any other competent investigation officer within the jurisdiction of the first respondent herein under his supervision.

2. The petitioner is the defacto complainant who had lodged a complaint on 26.01.2020 before the second respondent against three persons namely Prabhu, Ramasamy and father-in-law of Prabhu and CSR No.14 of 2020 was assigned. Thereafter, FIR came to be registered on 10.03.2020 in Crime No.61 of 2020 for the offences under Sections 447, 427, 323 and 506(ii) IPC against the above said three persons.

3. In the meanwhile, the contention of the petitioner is that the petitioner had sent a representation to the Superintendent of Police, Namakkal on 19.02.2020, wherein he had made allegations against Prabhu, Ramasamy and Father-in-law of Prabhu and also the accused Sasikumar and Duraisamy. He further submitted that this petition has been filed to include these two persons as accused and to transfer the investigation from the file of the second respondent to any other competent investigation officer within the jurisdiction of the first respondent.

4. On perusal of the entire materials it seems that the petitioner in his complaint dated 26.01.2020 named only three persons and thereafter CSR number was assigned and later FIR has been registered against the above said three persons. On perusal of the representation sent to the Superintendent of Police on 19.02.2020, it is seen that except for including the name of Sasikumar and Duraisamy there is no other attribution against them.

5. Considering the above facts and circumstances of the case, if the second respondent, during investigation finds material shall conduct enquiry and proceed against them in accordance with law.

6. In the result, this Criminal Original Petition is disposed of.

-s/d-
Assistant Registrar (CS-)

True Copy

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Namakkal, Namakkal District.

2. The Inspector of Police,
Elachipalayam Police Station,
Namakkal District.

3. The Public Prosecutor,
High Court, Madras.

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CRL.O.P.No.6917 of 2020