

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.08.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.12655 of 2020

C.Suyam Prakasam(M/65 years),
S/o.Chinnaiyan,
Manickam Nagar,
Thirumanur Village and Post,
Ariyalur Taluk and District.

... Petitioner

Vs

State represented by
1.The Superintendent of Police,
Ariyalur District,
Ariyalur.

2.The Deputy Superintendent of Police,
Ariyalur District,
Ariyalur.

3.The Inspector of Police,
Thirumanur Police Station,
Ariyalur District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondents to transfer the investigation in Crime No.33 of 2020 on the file of the Inspector of Police, Thirumanur Police Station, Ariyalur District to any other competent authority to conduct a free and fair investigation and to file a final report within a stipulated time.

For Petitioner : Mr.C.Prabakaran

For R1 & R2 : Mr.S.Karthikeyan

Additional Public Prosecutor.

O R D E R

This Petition has been filed seeking for transfer of investigation in Crime No.33 of 2020 from the file of the third respondent to the file of competitive authority to conduct free and fair investigation.

2.The learned counsel for the petitioner would submit that the occurrence took place on 17.02.2020 at about 11 p.m., and on the very same day, the petitioner lodged complaint before the third respondent. On receipt of the same he was issued CSR.No.62 of 2020. Unfortunately the third respondent did not register the case and after pressure by the petitioner the case was registered in Crime No.33 of 2020 after the period of 30 days from the date of occurrence that too for offence under section 294(b), 506(i) r/w 3(1)(rs) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. Even till today, the statement of the petitioner was not recorded by the third respondent and no investigation has been done by the third respondent. Therefore, he sought for transfer of investigation in Crime No.33 of 2020.

3. Per contra, the learned Additional Public Prosecutor submitted that the third respondent completed the investigation and found that the allegations are false and they are closed as mistake of fact and a report has been sent to the District Collector for approval. Therefore, no investigation is pending on the file of the third respondent.

4. Considering the above submission now that the investigation is completed on the file of the third respondent in Crime No.33 of 2020 and also closed as mistake of fact and report has been sent for approval, the question of transfer of investigation does not arise. Accordingly, this Criminal Original Petition is dismissed.

5. However, the third respondent is directed to serve a copy of the referred charge sheet to the petitioner after getting approval from the District Collector. On receipt of the same the petitioner is at liberty to file protest petition before the Court concerned in the manner known to law if so advised.

सत्यमेव जयते -s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

mpa

To

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

2.The Deputy Superintendent of Police,
Ariyalur District,
Ariyalur.

3.The Inspector of Police,
Thirumanur Police Station,
Ariyalur District.

4. The Public Prosecutor, High Court, Madras.

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SV(CO)
SP(12/10/2020)



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