

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.13933 of 2020

Mrs.N.Lakshmi

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Palacode, Dharmapuri District.

3.The Inspector of Police,
Mahendramangalam Police Station,
Dharmapuri District.

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to transfer the investigation in Crime No.163 of 2019 pending on the file of the 3rd respondent police to Crime Branch Central Investigation Department (CBCID), Dharmapuri and consequently direct the Crime Branch Central Investigation Department (CBCID), Dharmapuri to conduct fresh investigation by an officer of not below the rank of Deputy Superintendent of Police by this Court.

For Petitioner : Mr.J.Prakasam

For Respondents : Mr.S.Karthikeyan
Additional Public Prosecutor

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O R D E R

This petition has been filed to transfer the investigation in Crime No.163 of 2019 pending on the file of the 3rd respondent police to Crime Branch Central Investigation Department (CBCID), Dharmapuri and consequently direct the Crime Branch Central Investigation Department (CBCID), Dharmapuri to conduct fresh investigation by an officer of not below the rank of Deputy Superintendent of Police by this Court.

2. The learned counsel for the petitioner submitted that after registration of F.I.R., as against the accused persons, the 3rd respondent did not take any action as against the accused and While pending F.I.R., the accused persons threatened and attacked the son of the petitioner herein. Hence, he seeks transfer of investigation from the file of the 3rd respondent to the file of CBCID, Dharmapuri.

3. The learned Additional Public Prosecutor submitted that on receipt of the compliant from the petitioner, it was registered in Crime No.163 of 2019 for the offences under Sections 147, 341 and 384 of IPC. Thereafter, investigation was conducted and the same was closed as mistake of fact on 30.07.2020 and yet to file the referred charge sheet.

4. Considering the above submission, there is no investigation with the file of the 3rd respondent in respect of Crime No.163 of 2019 since the 3rd respondent already completed the investigation and closed it as mistake of fact.

5. Considering the above submissions, transfer of investigation of investigation does not arise. However, the 3rd respondent is directed to file a final report forthwith before the concerned Court after serving referred charge sheet to the petitioner. On receipt of the same, the petitioner herein is at liberty to file the petition before the concerned court in the manner known to law, if so advised.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

ssn

To

1. The Superintendent of Police,
Dharmapuri,
Dharmapuri District.
2. The Deputy Superintendent of Police,
Palacode, Dharmapuri District.
3. The Inspector of Police,
Mahendramangalam Police Station,
Dharmapuri District.

4. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.13933 of 2020

AJS (CO)
CB(28/10/2020)



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