

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.33956 of 2019

D.Sri Sumitha,
D/o.Duraisamy
Maharani Dyeing,
Kulivayal Thottam,
Kullegoundanpudur,
Andipalayam Taluk, Tiruppur. ...Petitioner

versus

- 1.The Commissioner of Police,
Tiruppur City,
Tiruppur, Tiruppur District.
- 2.State rep by Inspector of Police,
Tiruppur Central Police Station,
Tiruppur City.Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, seeking a direction to direct the first respondent to transfer the investigation in FIR No.13 of 2019 pending on the file of the second respondent police to CBCID. (prayer amended as per order in Cr1.M.P.No.627 of 2020 in Cr1.O.P.No.33965 of 2019 dated 21.01.2020)

For Petitioner : Mr.Ramesh
for Mr.J.Franklin
For Respondents : Mr.S.Karthikeyan
Additional Public Prosecutor

WEB COPY
O R D E R

This Criminal Original Petition has been filed seeking a direction to direct the first respondent police to transfer the investigation in FIR No.13 of 2019 pending on the file of the second respondent police to CBCID.

2. Heard Mr.Ramesh, representing Mr.J.Franklin, learned counsel appearing for the petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the respondents.

3. Today when the petition is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents on instructions would submit that in respect to the petition mentioned Crime Number, i.e., Crime No.13 of 2019, the second respondent police herein had completed the investigation and filed a Final Report on 19.01.2020 as 'mistake of fact'. He would further submit that on the same day, in respect to filing of the Final Report, R.C.S. Notice No.1 of 2020 has been served on the petitioner. The said submission is recorded.

4. Therefore, in view of the said submission, in the absence of any FIR, this Court cannot pass any order for transferring the investigation. It is open to the petitioner to file a necessary application before the Court concerned for an appropriate remedy.

5. With the above observations, this Criminal Original Petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sri
To

1.The Commissioner of Police,
Tiruppur City,
Tiruppur, Tiruppur District.

2.The Inspector of Police,
Tiruppur Central Police Station,
Tiruppur City.

3.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.33956 of 2019

LN(CO)
SP(04/12/2020)