



WEB COPY

CrI.O.P.(MD)No.5492 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.05.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CrI.O.P (MD)No.5492 of 2020

and

CrI.M.P. (MD)No.3055 of 2020

A.Ganeshan

... Petitioner/Sole Accused

Vs

1.The State Rep. by

The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.
(Crime No.63 of 2020)

...Respondent/Complainant

2.Annamalai

... Respondents/Defacto
Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the entire records pertaining to the case in Crime No.63 of 2020 pending on the file of the Inspector of Police, Thalavaipuram Police Station, Virudhunagar District and quash the same as against the petitioner.

For Petitioners : Mr.R.Anand

For R1 : Mr.A.Robinson
Government Advocate (CrI.side)

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent.

2.The defacto complainant in this case is none other than the father of the petitioner. The defacto complainant has been shown as the second respondent. But the petitioner's counsel brings it to my notice that the defacto complainant passed away last week itself.

3.The petitioner's counsel alleges that the case on hand has been registered for the offences under Sections 294(b) and 506(2) of IPC. The petitioner's counsel would also contend that he has made allegations against the first respondent before the State Human Rights Commission.

4.The learned Government Advocate (CrI.side) points out that investigation in this case is already over and final report has been made ready.

<https://hcservices.ecourts.gov.in/hcservices/>



5.Since the serious allegations has been made by the petitioner against the Investigation Officer, without going into the merits of the same, I direct the Superintendent of Police, Virudhunagar District, to entrust the matter to some other Investigation Officer who will have a fresh look at the materials on record and thereafter, take a call as regards the final report. Since a specific direction has been given to the Superintendent of Police, the first respondent shall not file any final report before the Jurisdictional Magistrate and if the same is filed, the learned Magistrate will return the same. I reiterate that I have not gone into the merits of the matter. A call in this regard is to be taken by the new Investigation Officer to be nominated by the Superintendent of Police, Virudhunagar District.

6.With this direction, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rmi

NOTE:Due to lockdown situation, soft copy of this order hosted on the website of the Court will be treated as true copy.

To

- 1.The Superintendent of Police,
Virudhunagar District.
- 2.The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD)No.5492 of 2020
and
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AP(04/06/2020) 2P 4C