



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.06.2020**

CORAM

THE HONOURABLE MR. JUSTICE **B. PUGALENDHI**

Crl.O.P(MD)No.5731 of 2020

Illayaperumal

...Petitioner

Vs.

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

2.The Inspector of Police,
Avaniyapuram Police Station,
Madurai District.

... Respondents

Prayer : This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent to withdraw the investigation regard to the Crime No.555 of 2017 on the file of the 2nd respondent and transfer the same to the some other competent investigation agency.

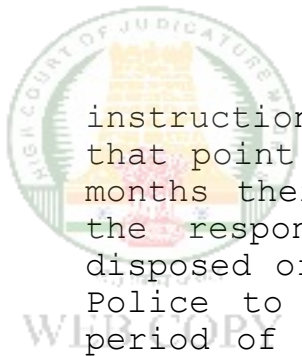
For Petitioner : Mr.K.Muthuvai Ilayaraj

For R1 & R2 : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

O R D E R

This petition is filed for transferring the investigation in Crime No.555 of 2017 from the second respondent to the some other investigation agency.

2.According to the petitioner, the respondent Police did not proceed with the investigation in Crime No.555 of 2017 on the file of the second respondent Police and therefore, earlier, the petitioner had filed a petition before this Court in Crl.O.P(MD) No.5535 of 2018 for a direction to the respondent Police, to file a final report in Crime No.555 of 2017 under the supervision of the first respondent Police, within a stipulated time as fixed by this Court, wherein, the learned Additional Public Prosecutor, on



instructions, submitted that the investigation was almost over at that point of time and the final report would be filed within three months therefrom. Recording the above submission made on behalf of the respondent Police, this Court, by order dated 10.04.2018, disposed of the petition with a direction to the second respondent Police to file a final report in Crime No.555 of 2017 within a period of three months from the date of receipt of a copy of that order.

3.Though the earlier order was passed as early on 10.04.2018, even as on today, no final report has been filed before the court concerned.

4.The learned Additional Public Prosecutor, on instructions, submitted that the present officer of the respondent Police Station, has assumed charge only three months back.

5.Considering that the case was registered in the year 2017 and the stand taken before this Court in the earlier occasion in the year 2018 that the investigation was almost over and no final report is filed till date, this Court directs the first respondent / the Commissioner of Police, Madurai City, Madurai to withdraw the case in Crime No.555 of 2017 from the file of the second respondent Police and shall entrust the same to some other investigation officer and shall ensure that the final report is filed within a reasonable time, not less than five months from the date of receipt of a copy of this order. The first respondent / the Commissioner of Police shall also ensure the progress in the investigation.

6. This criminal original petition is disposed of, on the above terms.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.



To

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

2.The Inspector of Police,
Avaniyapuram Police Station,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P (MD) No.5731 of 2020
09.06.2020

SDS (18.06.2020) 3P-4C