



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.[MD]No.7508 of 2020

M.Mohamed Iqbal

... Petitioner

Vs.

1.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Road,
Mylapore, Chennai-600 004.

2.The Additional Director General of Police,
CBCID,
Office of the Additional Director General of Police (CBCID),
No.220, Panthiyan Road,
Egmore, Chennai-600 008.

3.The Superintendent of Police,
CBCID,
Office of the Superintendent of Police (CBCID),
No.220, Panthiyan Road,
Egmore, Chennai-600 008.

4.The Inspector of Police,
Dindigul Police Station,
GRP Trichy District,
(In Crime No.9 of 2019)

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, praying to direct the first respondent to withdraw the investigation of the case in Crime No.9 of 2019, on the file of the fourth respondent and transfer the same to the third respondent.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking a direction to the first respondent to withdraw the investigation of the case in Crime No.9 of 2019, on the file of the fourth respondent and transfer the same to the third respondent.

2.The learned counsel for the petitioner would submit that the petitioner is the brother of the deceased. In earlier, particularly

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after registration of the case, the petitioner approached the Investigation Officer and made a submission that he suspected two persons in the alleged occurrence. He would further submit that though sufficient material was submitted to the fourth respondent police, they have not altered the charge from 174 Cr.P.C to 302 Cr.P.C. According to him, the death of the deceased is only by homicide in nature. In the said circumstances, he prays to allow the petition seeking the relief to transfer the investigation from the hands of the fourth respondent to third respondent.

3.The learned Additional Public Prosecutor appearing for the respondents would submit that during the relevant time, the petitioner herein approached the Superintendent of Police, Railway, Chennai and submitted an application suspecting two persons that they may be committed the murder of the deceased. Based on the representation, the Superintendent of Police, Railway, Chennai, ordered to transfer the investigation to one Geethadevi, Inspector of Police, Railway, Dindigul, in the proceedings No.C2/1992/2019/362019. Thereafter, the said Investigation Officer made a conclusion that the death of the deceased is only due to the accident. Thereafter, after giving proper notice to the defacto complainant, she filed the final report on 14.11.2019 itself. According to him, as of now, no investigation is pending in Crime No.9 of 2019.

4.Upon considering the arguments advanced by either side, it is not in dispute that as of now no investigation is pending. However, it is his duty, if the petitioner is wanted to proceed the investigation further, he may file a proper application before the Superintendent of Police, Railway or before the competent forum, immediately after receiving the notice sent by the fourth respondent. But without following the law contemplated, after six months from the date on which notice was served now he approaches this Court through this petition to transfer the investigation. In the said circumstances, since there was no investigation pending in respect of Crime No.9 of 2019, this Court cannot pass any order in favour of the petitioner.

5.In view of the above, this Criminal Original Petition is dismissed. However, the petitioner is at liberty to approach the Superintendent of Police, Railway, Chennai, for further investigation.

Sd/-

Assistant Registrar ()

// 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 Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Road,
Mylapore, Chennai-600 004.
- 2.The Additional Director General of Police,
CBCID,
Office of the Additional Director General of Police (CBCID),
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Office of the Superintendent of Police (CBCID),
No.220, Panthiyan Road,
Egmore, Chennai-600 008.
- 4.The Inspector of Police,
Dindigul Police Station,
GRP Trichy District.(Cr.No.9/2019)
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

- 1.The Superintendent of Police,
Railway Protection Force,
Chennai.
- 2.The Inspector of Police,
Railway Protection Force,
Dindigul.

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