



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

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CRL OP (MD)No.8460 of 2020

Subbiah,
S/o.Palaniandi

... Petitioner/Defacto Complainant

Vs.

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

2.The Inspector of Police,
Cumbum South Police Station,
Theni District.
(Crime No.95 of 2020)

3.The Inspector of Police,
Anti-Land Grabbing Cell,
Campus of the Superintendent of Police,
Theni.

... Respondents

PRAYER: Petition filed under Section 482 of Criminal Procedure Code, praying to direct the first respondent to transfer the investigation of the case in Crime No.95 of 2020, which is pending on the file of the second respondent to the third respondent or any other competent authority and monitor the investigation.

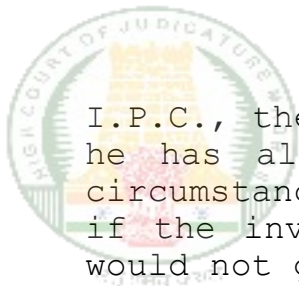
For Petitioner : Mr.S.Balakarthick

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 transfer the investigation of the case in Crime No.95 of 2020, pending on the file of the second respondent to the third respondent or any other competent authority and monitor the investigation.

2.The learned counsel appearing for the petitioner would submit that after registration of the case in Crime No.95 of 2020 for the
<https://hccservices.mca.gov.in/hccdev/> Sections 147, 420, 448, 427, 294(b) and 506(i)



I.P.C., the second respondent did not initiate the investigation and he has also not examined the petitioner so far. So, the said circumstances create a doubt over the minds of the petitioner that if the investigation is in the hands of the second respondent, he would not get any justice.

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3.The learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that after registration of the case in Crime No.95 of 2020 for the offences under Sections 147, 420, 448, 427, 294(b) and 506(i) I.P.C., the second respondent had examined eight witnesses and recorded their statements. He would further submit that as of now, substantial part of the investigation has been completed and the case is now in the stage of filing the final report.

4.Upon considering the arguments advanced by the learned counsel on either side, it appears that since the second respondent had examined eight witnesses, it cannot be said that the allegation levelled against him by the petitioner, is correct. Further, according to the prosecution, substantial part of the investigation is almost over. Therefore, no useful purpose would be served in withdrawing the investigation from the hands of the second respondent and transfer the same to some other competent officer. Therefore, the prayer sought for by the petitioner, is devoid of merits and the Criminal Original Petition is liable to be dismissed. Accordingly, it is dismissed. However, the second respondent is directed to file final report forthwith. The Deputy Superintendent of Police, Cumbum, Theni District, is directed to monitor the same.

Sd/-

Assistant Registrar(AS)

/TRUE COPY/

/ /2020

Sub Assistant Registrar

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 Superintendent of Police,
Theni District,
Theni.

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



2.The Inspector of Police,
Cumbum South Police Station,
Theni District.

3.The Inspector of Police,
Anti-Land Grabbing Cell,
Campus of the Superintendent of Police,
Theni.

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

Copy to:

The Deputy Superintendent of Police,
Cumbum,
Theni District.

CRL OP (MD) No.8460 of 2020
17.08.2020

SMN2

JM/26.08.2020/3P/6C