



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P (MD)No.11002 of 2020

Era.Soundra Pandian

... Petitioner

Vs

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi.

2.The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi.

3.The Inspector of Police,
District Crime Branch,
Thoothukudi.

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direction to the 1st Respondent to transfer the investigation of the Crime No.242 of 2015, dated 31.03.2015 pending on the file of the second respondent to the third respondent for fair and complete investigation and file the final report within a stipulated time frame.

For Petitioners : Mr.A.Thiruvadikumar

For Respondents : Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

Heard the learned counsel on either side.

2.The petitioner lodged information with the second respondent on 31.03.2015 leading to registration of Crime No.242 of 2015. The second respondent filed final report dropping action and caused issuance of RCS notice on the petitioner. The petitioner filed protest petition before the Jurisdictional Magistrate Court. The learned jurisdictional Magistrate, by order dated 26.02.2018 in CrI.M.P.No.5922 of 2017, observed that investigation was incomplete and allowed the protest petition and directed the Investigation Officer to investigate the case further and file final report in accordance with law.



3.The grievance of the petitioner is that even after lapse of more than 2 ½ years, there is no progress in the matter. He therefore wants transfer of investigation.

4.The learned Additional Public Prosecutor filed the signed written instructions of the second respondent. In the instructions sheet, it is mentioned that action was dropped and it was filed before the Court on 17.11.2017.

5.I must record my disappointment. After final report was filed dropping action in the matter, the petitioner had moved the jurisdictional Magistrate Court. The jurisdictional Magistrate Court had allowed the protest petition on 26.02.2018. The second respondent appears to be unaware of what happened in this case. This shows the gross indifference on the part of the second respondent. Therefore, I have no hesitation to transfer the investigation from the file of the second respondent to the third respondent. The second respondent shall hand over the case papers to the third respondent immediately. The third respondent shall file final report within a period of three months thereafter.

6.This Criminal Original Petition is allowed accordingly.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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,
Office of the Superintendent of Police,
Thoothukudi.

2.The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi.



3.The Inspector of Police,
District Crime Branch,
Thoothukudi.

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

+1 CC to M/s.A. THIRUVADIKUMAR, Advocate (SR-19642[F] dated
09/10/2020)

Crl.O.P (MD)No.11002 of 2020
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SMV (CO)
TR(20.10.2020) 3P 6C