

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 11.02.2020****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****CrI.O.P. (MD)No.14856 of 2016****WEB COPY**

S.Murugan

... Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli District,
Palayamkottai.
2. The Deputy Superintendent of Police
of Sankarankovil,
NGO Colony, Sankarankovil.
3. The Inspector of Police,
Sankarankovil Town police station,
Sankarankovil,
Crime No.98 of 2016.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to transfer all the further investigation pending on the file of the third respondent in Crime No.98 of 2016 to the second respondent or to any other competent investigation officer and further direct to monitor by the first respondent police.

For Petitioner	: Mr.P.M.Vishnu Varthanan
For Respondents	: Mr.A.Robinson, Government Advocate(Crl. Side)

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O R D E R

The petitioner seeks transfer of investigation. The case of the petitioner is that Crime No.98 of 2016 registered on the file of the Inspector of Police, Sankarankovil Town Police Station against one Manikandan was not being investigated properly and that therefore, he wanted transfer of the investigation.

2.This criminal original petition was filed way back in the year 2016. When the matter was taken up for final disposal, the learned Government Advocate(Crl. Side) submitted that the jurisdictional Magistrate had stopped further investigation by invoking Section 468 of Cr.P.C.

3.The defacto complainant cannot be made to suffer for reasons that are beyond his control. During the pendency of this criminal original petition, the investigation officer did not file



any final report. It is quite possible that he wanted to wait for the outcome of this original petition. Be that as it may, the petitioner cannot be made to suffer by the order of the learned judicial magistrate stopping further investigation.

4. Section 167(6) of Cr.PC enables the Sessions Judge to vacate an order made under sub-section (5) to 167 of Cr.PC. Such a power can be exercised by this Court also under Section 482 of Cr.PC. In as much as the order stopping further investigation under Section 167(5) of Cr.PC was made during the pendency of these proceedings, the same is vacated. The third respondent is directed to file final report within a period of four weeks from the date of receipt of a copy of this order.

5. The criminal original petition stands disposed of, accordingly.

Sd/-

Assistant Registrar (A.S)

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/ /2020

Sub Assistant Registrar (CS)

Skm

To:

1. The Superintendent of Police,
Tirunelveli District, Palayamkottai.
2. The Deputy Superintendent of Police
of Sankarankovil, NGO Colony, Sankarankovil.
3. The Inspector of Police,
Sankarankovil Town Police Station, Sankarankovil.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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CS (01.07.2020) 2P 5C