



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)No.19627 of 2016

WEB COPY

Rajesh

... Petitioner/Defacto Complainant

Vs.

1. The Superintendent of Police,
Kanyakumari District at Nagercoil.
2. The Deputy Superintendent of Police,
CBCID, Tirunelveli Range,
Tirunelveli.
3. The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari.

... Respondents/Complainants

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to withdraw the investigation of Crime No.16 of 2016 on the file of the 3rd respondent police and transfer the same to the 2nd respondent.

For Petitioner : Mr.K.P.Narayanakumar
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This petition has been filed to transfer the investigation in Crime No.16 of 2016 from the 3rd respondent to the file of 2nd respondent herein.

2. The learned Government Advocate (Crl.Side) would submit that the respondent police examined 20 persons and their statements also recorded under Section 161 Cr.P.C about to complete the investigation.

3. Further, it is also revealed that only the proposed accused are close relatives of the defacto complainant herein. The petition has been filed to transfer of investigation. The counter affidavit filed by the 1st respondent revealed that after examining 28 persons, they examined 20 more persons and their statements also recorded about to complete the investigation. At this stage, the transfer of



investigation will definitely affect the entire case. Therefore, the petition is devoid of merits and it is liable to be dismissed.

4. Considering the above submission, this Criminal Original Petition is dismissed. Further, the 3rd respondent is directed to file a final report within a period of four weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dss

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,
Kanyakumari District at Nagercoil.
2. The Deputy Superintendent of Police,
CBCID, Tirunelveli Range,
Tirunelveli.
3. The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari.

+1 CC to Mr.K.P.NARAYANAKUMAR, Advocate SR-19953.

Crl.O.P. (MD)No.19627 of 2016
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SGS (CO)
CS(22.10.2020) 2P 5C