



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2020

CORAM:

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

Crl.O.P. (MD)No.20684 of 2016

WEB COPY

K.Suresh

... Petitioner

Vs

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

2.The Inspector of Police,
Devakottai Taluk Police Station,
Devakottai,
Sivagangai District.

3.The Inspector of Police,
Special Branch CID,
Sivagangai.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st Respondent to transfer the investigation in Crime No.202 of 2016 pending on the file of the 2nd Respondent police to the 3rd Respondent.

For Petitioner : Mr.P.Saravanakumar

For Respondents : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

ORDER

This petition has been filed for a direction directing the 1st Respondent to transfer the investigation in Crime No.202 of 2016 pending on the file of the 2nd Respondent police to the 3rd Respondent.

2. The learned counsel appearing for the petitioner would submit that on the complaint lodged by the defacto complainant, a case has been registered in Crime No.202 of 2016 for the offence under Section 304 (A) of IPC. Though, there is specific allegation of murder of the deceased by the accused persons viz., Kathiresan, Subbu @ Subramani and Senthilnathan, the 2nd respondent did not take appropriate action against the accused persons and they also



failed to alter the offence under Section 302 of IPC.

3. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondents would submit that there is absolutely no material to rope Kathiresan, Subbu @ Subramani and Senthilnathan as accused under Section 302 of IPC. Initially, the case has been registered under Section 304 (A) IPC. Since subsequently, could not be traced out the the offended vehicle, FIR itself has been closed as 'undetectable one'. Thereafter, the second respondent also filed referred charge sheet before the concerned Magistrate and the same has not yet been served to the petitioner. Hence, the prayer sought for in this Criminal Original Petition has become infructuous.

4. Recording the submission made by the learned learned Government Advocate (Crl.Side), this Criminal Original Petition is dismissed as infructuous. However, the 2nd respondent is directed to serve the referred charge sheet to the defacto complainant forthwith. On receipt of the same, the petitioner is at liberty to file a fresh petition in accordance with law.

Sd/-

Assistant Registrar(P & A)

// 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,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
Devakottai Taluk Police Station,
Devakottai,
Sivagangai District.



3.The Inspector of Police,
Special Branch CID,
Sivagangai.

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

Crl.O.P. (MD) No.20684 of 2016
08.10.2020

KMV (CO)
TR(16.10.2020) 3P 5C