



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

Crl.O.P(MD).No.13958 of 2018

and

Crl.M.P. (MD)No.567 of 2019

WEB COPY

Sundari

... Petitioner

Vs

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

2.The Inspector of Police,
Dhanuskodi Police Station,
Dhanuskodi, Ramanathapuram District.

3.The Inspector of Police,
CBCID, Ramanathapuram,
Ramanathapuram District.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C. to withdraw the case on the file of the second respondent police and transfer investigation of the case in Crime No.20 of 2018, pending on the file of the second respondent police to any other independent agency or CBCID officer under the direct supervision of the first respondent and to take further action within a reasonable time that may be fixed by this Court.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.A.Robinson
Government Advocate (Crl. side)

ORDER

The petitioner is the de-facto complainant in Crime No.20 of 2018, registered on the file of the Dhanuskodi Police Station, Ramanathapuram District. She alleges that her brother had been done to death. But the First Information Report was registered only under Section 174 of Cr.P.C. Hence, the petitioner wants transfer of investigation.

2.The learned Government Advocate (Crl. side) states that the Superintendent of Police had already transferred the investigation from the second respondent to the Deputy Superintendent of Police, Ramanathapuram. The new Investigation Officer had filed a negative



final report. It is yet to be taken on file by the Jurisdictional Magistrate. The Jurisdictional Magistrate is directed to intimate the petitioner, so that the petitioner will have an opportunity to file a protest petition. The copy of the negative final report will also be furnished to the petitioner herein. The petitioner's contentions are left open. It is for the Magistrate to take a call in the matter. It is well settled that the final report filed by the police is not binding on the Magistrate. The Magistrate can always disagree with the findings of the final report and reject the same. Therefore, the petitioner need not have any apprehension. Leaving open the rights of the petitioner to file a protest petition, the Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
 - 2.The Inspector of Police,
Dhanuskodi Police Station,
Dhanuskodi, Ramanathapuram District.
 - 3.The Inspector of Police,
CBCID, Ramanathapuram,
Ramanathapuram District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1 CC to M/s.R.MURUGAN, Advocate (SR-12555[F] dated 19/03/2020)

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