

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.4575 of 2021

K.Thiruvenkadam

... Petitioner

Vs.

1. State by
The Superintendent of Police,
Thiruvallur District.
2. The Deputy Superintendent of Police,
Tiruttani Taluk, Thiruvallur District.
3. The Inspector of police,
R.K.Pet Police Station,
Thiruvallur, Thiruvallur District. ... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to transfer the investigation in crime No.2447 of 2020 from the 3rd respondent police to 2nd respondent police.

For Petitioner : Mr.R.Ramesh

For Respondents : Mr.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for transfer of investigation in Crime No.2447 of 2020, pending on the file of the 3rd respondent.

2. Based on the complaint given by the petitioner, an FIR came to be registered against eight accused persons on 18.12.2020 for an offence under Section 147,294(b), 324, 506(ii) IPC. According to the petitioner, no effective investigation has been taken place in this case and a sms message on 28.12.2020 was received to the effect that the FIR has been closed. The petitioner made a representation to the Superintendent of Police. Since there was a no response, the present petition has been filed seeking for transfer of investigation.

3. The learned Additional Public Prosecutor on instructions submitted that a closure report has been filed before the learned Judicial Magistrate, Pallipatti on 28.12.2020 in FR No.567 of 2020. During the time of hearing, Mr.Velu, Sub Inspector of Police, was present and he instructed the learned Additional Public Prosecutor.

4. The learned counsel for the petitioner submitted that except for the SMS message, no notice has been served on the petitioner and the petitioner does not have the copy of the closure report.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the respondent police have completed the investigation and filed a closure report before the Judicial Magistrate, Pallipatti, there shall be a direction to the 3rd respondent to serve the RCS notice on the petitioner, within a period of one week from today. The petitioner is given liberty to file a protest petition before the learned Judicial Magistrate, Pallipatti, and the learned Magistrate shall consider the same and pass orders in accordance with law, within a period of six weeks from the date of filing of the protest petition.

6. This Criminal Original Petition is disposed of with the above directions.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Pallipatti.
2. The Superintendent of Police,
Thiruvallur District.
3. The Deputy Superintendent of Police,
Tiruttani Taluk,
Thiruvallur District.

4. The Inspector of police,
R.K.Pet Police Station,
Thiruvallur,Thiruvallur District.

5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Ramesh, Advocate Sr.14720

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