

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7741 of 2021

Nallathambi

...Petitioner

Vs.

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

2. State of Tamil Nadu,
Rep by The Inspector of Police
Kolathur Police Station,
Kolathur 636303
Mettur Taluk
Salem District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to withdraw and transfer the investigation in FIR No.277 of 2017 dated 08.11.2017 on the file of the 2nd respondent to the file of the 1st respondent and file a final report within time fixed by this Court.

For Petitioner: Mr.A.Sundaravadhanan

For Respondents: Mr.A.Damodaran

Government Advocate (Crl.side)

ORDER

This petition has been filed seeking direction to the respondent police to withdraw and transfer the investigation in FIR No.277 of 2017 dated 08.11.2017 on the file of the 2nd respondent to the file of the 1st respondent and file a final report within time fixed by this Court.

2.The learned Government Advocate (Crl.side) appearing for the respondents submitted that on the complaint lodged by the petitioner, the second respondent registered a case in F.I.R.No.277 of 2017 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 427, 506(ii), 465, 441 of IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992. After conducting investigation, the second

respondent found that no offence was made out as against the accused persons and referred the case as 'Mistake of Fact' as early as on 22.12.2017.

3. However, the learned counsel appearing for the petitioner submitted that no referred charge sheet has been served on the petitioner.

4. Recording the submissions made by the learned Government Advocate (Crl.side), the relief sought for in this petition has become infructuous.

5. Accordingly, this Criminal Original petition is dismissed as infructuous. However, the respondent police is directed to serve a copy of the referred charge sheet in Cr.No.277 of 2017 to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the petitioner is at liberty to file the protest petition in the manner known to law.

s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

rts/arr
To

1. The Superintendent of Police,
Salem,
Salem District.
2. State of Tamil Nadu,
Rep by The Inspector of Police
Kolathur Police Station,
Kolathur 636303
Mettur Taluk
Salem District.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.7741 of 2021

KV(CO)
SP(13/07/2021)