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Crl.O.P.(MD)No.5029 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **13.09.2021**

CORAM :

THE HONOURABLE **Mr.JUSTICE G.ILANGOVAN**

Crl.O.P. (MD)No.5029 of 2021

and

Crl.M.P. (MD)No.2876 of 2021

S.Sridhar

...Petitioner/Defacto Complainant

/Vs./

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Assistant Commissioner of Police,
Madurai City Crime,
Office of the Commissioner of Police,
Madurai City, Madurai.

3.The Inspector of Police,
City Crime Branch,
Madurai.

4.Ashok

...Respondents

Prayer: Criminal Original Petition was filed under Section 482 of Criminal Procedure Code, 1973, to direct the 1st and 2nd respondent police to transfer the investigation in Crime No.10/2021 on the file of the 3rd respondent to any other honest officer in Madurai and direct him to complete investigation within a time frame fixed by this Court.

For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.R.M.Anbunithi
(R1 to R3) Additional Public Prosecutor
(Criminal Side)

For R4 : M/s.M.Gnanagurunathan for
Mr.K.Samidurai.

ORDER

This petition has been filed seeking a direction to the 1st and 2nd respondent police to transfer the investigation in Crime No.10/2021 on the file of the 3rd respondent to any other honest officer in Madurai and direct him to complete investigation within a time frame fixed by this Court.



2.This Court, has passed the following order on 12.08.2021, which reads as follows:

"The Registry is directed to print the name of Mr.K.Samidurai, learned counsel for the fourth respondent, in the cause list.

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2. The learned Additional Public Prosecutor would submit that investigation has been completed and charge sheet has also been filed before the concerned Court and RCS notice was sent to the petitioner. But, he refused to receive the same. So, it was pasted on the door of the petitioner through the Village Administrative Officer on 10.04.2021. So, nothing survives for further consideration or direction, in this petition.

3. List the matter 'for dismissal' on 13.09.2021."

3.By virtue of the aforesaid order, this matter is listed under the caption "for dismissal" today. A copy of the final report has been circulated to the learned counsel for the petitioner. But, he has not received the closure report sofar. Since the report was pasted on the door of the petitioner, the petitioner has to work out his remedy through appropriate proceedings.

4.The learned counsel for the petitioner would submit that no such closure report was pasted upon the door of the petitioner's house. According to the petitioner, the specific allegation made against the third respondent is that the he has not conducted enquiry and arrested the accused persons.

5.These aspects can not be gone into in this petition. Therefore, the petitioner shall work out his remedy as stated above. Hence, nothing survives for further adjudication in this petition.

6.With the aforesaid liberty, this Criminal Original Petition is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

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To

- 1.The Commissioner of Police,
Madurai City, Madurai.
- 2.The Assistant Commissioner of Police,
Madurai City Crime,
Office of the Commissioner of Police,
Madurai City, Madurai.
- 3.The Inspector of Police,
City Crime Branch, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.SAMI DURAI, Advocate (SR-28898[F] dated 13/09/2021)

Crl.O.P. (MD)No.5029 of 2021
13.09.2021

RK (29.09.2021) 3P 6C