



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

CrI.O.P.(MD)No.7805 of 2021

and

CrI.M.P.(MD)No.3981 of 2021

Ayupkhan

... Petitioner/Sole Accused
Vs.

- 1.The Principal Secretary,
Department of Home Affairs,
State of Tamil Nadu,
Fort St. George, Chennai-9.
- 2.The Director General of Police,
No.1, Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
- 3.The Superintendent of Police,
O/o. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
- 4.The Superintendent of Police (South Zone),
O/o. The Superintendent of Police (South Zone),
CBCID, Madurai.
- 5.The Inspector of Police,
Munneerpallam Police Station,
Munneerpallam,
Tirunelveli District.
(Crime No.264 of 2019)
- 6.The Sub Inspector of Police,
Munneerpallam Police Station,
Munneerpallam,
Tirunelveli District.

...Respondents/Complainants

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the third respondent to withdraw the case in Crime No.264 of 2019 dated 10.08.2019 registered under Sections 279, 304 (A) of IPC on the file of the fifth respondent and entrust the same to the fourth respondent for an investigation of the case by a competent officer and to file a final report before the jurisdictional Magistrate within the time stipulated by this Court.

For Petitioner

: Mr.G.Anto Prince

For Respondents

: Mr.R.M.Anbu Nithi

Additional Public Prosecutor



ORDER

This petition has been filed seeking a direction to transfer the investigation in Crime No.264 of 2019 dated 10.08.2019 registered under Sections 279 and 304(A) of IPC from the file of the fifth respondent to some other agency or any other officer.

2.When the matter is taken up for hearing, the learned Additional Public Prosecutor would submit that the investigation was completed and final report was also filed on 19.09.2019 before the learned Judicial Magistrate No.V, Tirunelveli and it has not been taken on file so far.

3.Since the final report was filed on 19.09.2019 itself, there shall be a direction to the learned Judicial Magistrate No.V, Tirunelveli, to look into the matter and process the same as early as possible. Since the final report has already been filed, nothing survives for further consideration. Liberty is granted to the petitioner to work out his remedy before the concerned Court, if any grievance is experienced by him with the final report.

4.With the above direction and liberty, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CSIII)

// 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.

To

1.The Judicial Magistrate No.V,
Tirunelveli.

2.The Principal Secretary,
Department of Home Affairs,
State of Tamil Nadu,
Fort St. George, Chennai-9.



3.The Director General of Police,
No.1, Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

4.The Superintendent of Police,
O/o. The Superintendent of Police,
Tirunelveli District, Tirunelveli.

5.The Superintendent of Police (South Zone),
O/o. The Superintendent of Police (South Zone),
CBCID, Madurai.

6.The Inspector of Police,
Munneerpallam Police Station,
Munneerpallam,
Tirunelveli District.

7.The Sub Inspector of Police,
Munneerpallam Police Station,
Munneerpallam,
Tirunelveli District.

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

Crl.O.P.[MD]No.7805 of 2021
16.06.2021

KB(24.06.2021) 3P 9C