



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2021

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THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.O.P. (MD) .No.9657 of 2021

P.Kadarkarai

.. Petitioner

Vs.

1.The.Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2.The Inspector of Polcie,
South Police Station,
Rajapalayam,
Virudhunagar District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, directing the first respondent to withdraw the petitioner's complaint dated 17.02.2020 and 09.06.2020 pending before the second respondent and entrust the same to any other officer not below the rank of Deputy Superintendent of Police for investigation of the complaint based on the petitioner's representation dated 06.10.2020 within the time period stipulated by this Court.

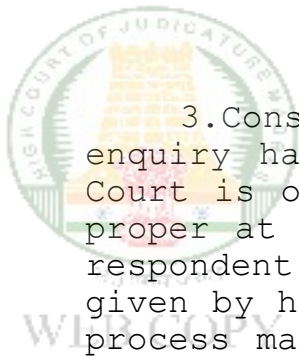
For Petitioner : Mr.T.Thirumurugan
For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

(This writ petition is heard through video conference)

This petition has been filed seeking a direction to the the first respondent to withdraw the petitioner's complaint dated 17.02.2020 and 09.06.2020 pending before the second respondent and entrust the same to any other officer not below the rank of Deputy Superintendent of Police for investigation of the complaint based on the petitioner's representation dated 06.10.2020 within the time period stipulated by this Court.

2.When the matter wa taken up for hearing on 13.08.2021, the learned Additional Public Prosecutor has submitted that based upon the complaint given by the petitioner enquiry was undertaken in C.S.R.No.240 of 2021 and the petitioner appeared twice before the Enquiry Officer on 03.08.2021 and 04.08.2021 and undertook to produce the documents. On that ground it was adjourned today. Even today, the very same submission has been made by the learned Additional Public Prosecutor to the effect that only based upon the undertaken given by the petitioner, the enquiry has been postponed.



3.Considering the facts and circumstances of the case and also enquiry has been undertaken by the second respondent herein, this Court is of the view that the transfer of investigation may not be proper at this stage. Let the petitioner appear before the second respondent and co-operate to complete the enquiry on the complaint given by him. Depending upon the outcome of the enquiry the further process may be taken. The second respondent police shall complete the enquiry on the complaint given by the petitioner within a period of two months from the date of receipt of a copy of this order.

4.With the above directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2.The Inspector of Police,
South Police Station,
Rajapalayam,
Virudhunagar District.

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

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-30695[F] dated 30/09/2021)

Crl.O.P. (MD) .No.9657 of 2021

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