



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17/08/2021

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**
Crl.O.P.(MD)No.10254 of 2021

WEB COPY

Sundrathai

... Petitioner/Defacto Complainant

Vs.

1.The Superintendent of Police,
Tenkasi District.

2.The Sub-Inspector of Police,
Karivalamvanthanallur Police Station,
Tenkasi District,
(Previously Tirunelveli District)

3.The Inspector of Police,
C.B.C.I.D Wing,
Tenkasi District.

... Respondents/Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to transfer of investigation of the case in Crime No.436 of 2020 from the file of the second respondent to the file of the third respondent.

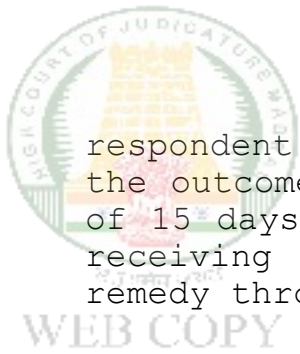
For Petitioner	: Mr.R.Anand
For R-1 to R-3	: Mr.R.M.Anbunidhi
	Additional Public Prosecutor

O R D E R

This petition has been filed seeking transfer of investigation of the case in Crime No.436 of 2020 from the file of the second respondent to the file of the third respondent.

2. Even though this petition has been filed seeking transfer of investigation, on 29.07.2021 the Additional Public Prosecutor submitted to the effect that investigation has been completed and final report has also been filed before the concerned court.

3. Now the learned counsel for the petitioner submits that in the final report, the names of 2 persons have been deleted and final report has been presented. After deleting those 2 persons, notice has not been given to the petitioner. It is settled law that before or after deleting the accused person, notice must be served to the defacto complainant. Since the settled law has not been followed by the Investigating Officer, there shall be a direction to the second



respondent herein to send notice to the petitioner intimating about the outcome of the final report along with the copy within a period of 15 days from the date of receipt of a copy of this order. After receiving notice, the petitioner is at liberty to work out his remedy through appropriate proceedings before the appropriate forum.

4. In view of the above direction, the learned Judicial Magistrate, Sankarankoil shall keep the final report in abeyance till such process is over.

5. With these directions, this petition is disposed of.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

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,
Tenkasi District.
- 2.The Sub-Inspector of Police,
Karivalamvanthanallur Police Station,
Tenkasi District,
(Previously Tirunelveli District)
- 3.The Inspector of Police,
C.B.C.I.D Wing,
Tenkasi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.10254 of 2021

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RD(27.08.2021) 2P 5C