



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2021

CORAM :

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

Crl.O.P.(MD)No.11794 of 2021 and
Crl.MP(MD) No.6043 of 2021

T.Suresh

... Petitioner/Accused No.3

Vs.

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The Deputy Superintendent of Police,
Colachel Range,
Kanyakumari District.

3.The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
(Crime No.329 of 2021).

...Respondents 1 to3/
Respondents

4.Antony Xavier

... Respondent 4/Defacto
Complainant

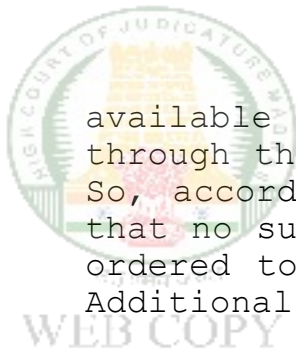
Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation in Crime No.329 of 2021 pending on the file of the third respondent to any other police officer under the supervision of the first respondent or to any other independent investigation agency for fair and proper investigation.

For Petitioner : Mr.M.R.Sreenivasan
For R1 to R3 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This petition is filed seeking transfer the investigation in Crime No.329 of 2021 pending on the file of the third respondent to any other police officer under the supervision of the first respondent or to any other independent investigation agency for fair and proper investigation.

2.On 19.08.2021, when the matter was taken up for hearing, the learned counsel for the petitioner submitted that on the alleged date of occurrence i.e on 09.07.2021, the petitioner was very well



available in the shop upto 6.10pm and this fact can be verified through the CCTV cameras that have been put up in the nearby areas. So, according to him, a representation has been made to the effect that no such steps have been taken by the respondent. The matter is ordered to be listed today for getting instructions by the learned Additional Public Prosecutor from the third respondent.

3. When the matter is taken up for hearing today, the learned Additional Public Prosecutor submitted that the investigation in this case has been completed and Final report was filed before the Judicial Magistrate Court, Kulithurai on 21.08.2021 and on the same day, it was taken on file as CC No.201 of 2021.

4. Now, the grievance of the petitioner is that without taking note of the order passed by this Court, final report has been filed. But, however, there is no such direction to the respondent herein to make investigation with regard to the contention of the petitioner over the coverage of CCTV cameras. Only on the basis of the representation and submission made by the petitioner, the matter has been kept for consideration.

5. Since final report has been filed, the petitioner has to work out his remedy through appropriate proceedings before the concerned Court. Transfer of investigation at this stage is not possible and this petition has become infructuous also.

6. With the above said liberty, this Criminal Original Petition is disposed of as infructuous. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Vrn

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,
Kanyakumari District,
Nagercoil.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Deputy Superintendent of Police,
Colachel Range,
Kanyakumari District.

3.The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
(Crime No.329 of 2021).

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

+1 CC to MR.M.R.SREENIVASAN, Advocate(SR-31152[F] dated
05/10/2021)

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MGJ(22.10.2021) 3P 6C