



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP(MD)No.11906 of 2021

K.Syed Yossouf

... Petitioner/Complainant

vs.

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

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Periyakulam,
Theni District.

3.The Inspector of Police,
Periyakulam Police Station,
Theni District.

4.Kattunainar

... Respondents

(R4 suo-motu impleaded as per the order of this Court, dated 19.08.2021, made in Crl.OP(MD)No.11906 of 2021)

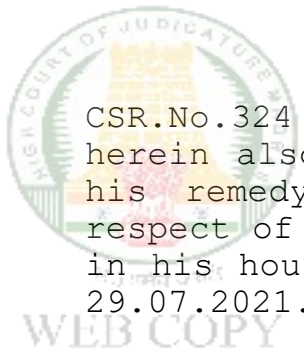
PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue a direction directing the first respondent herein to withdraw the petitioner's complaint, dated 29.07.2021, pending before the third respondent police and entrust the same, to any other officer not below the rank of Deputy Superintendent of Police for investigation of the case based on the representation, dated 03.08.2021.

For Petitioner	: Mr.J.Vishnu
For R1 to R3	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl.Side)

O R D E R

This petition is filed seeking transfer of the petitioner's complaint, dated 29.07.2021, on the file of the third respondent police to any other officer not below the rank of Deputy Superintendent of Police, based on the petitioner's representation, dated 03.08.2021.

2.When the matter is taken up for hearing, the learned Government Advocate (Crl.Side) would submit that based upon the complaint, given by the petitioner, enquiry was undertaken in



CSR.No.324 of 2021 and during the course of enquiry, the petitioner herein also given a statement to the effect that he will work out his remedy through proper proceedings and also stated that in respect of the complaint given by him, now, the things are available in his house. On that ground, the complaint, came to be closed, on 29.07.2021.

3.The learned counsel for the petitioner would submit that no such undertaking or agreement was reached before the Enquiry Officer.

4.It is a disputed fact that cannot be gone into in this petition. Since the complaint has been closed, the question of transfer of investigation, does not arise. The petitioner shall work out his remedy through appropriate proceedings.

5.The learned counsel for the petitioner may get a copy of the Closure Report from the office of the learned Government Advocate (Crl.Side).

6.With the above said liberty, this Criminal Original stands disposed of as infructuous.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dss

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,
Theni District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Periyakulam, Theni District.



3.The Inspector of Police,
Periyakulam Police Station,
Theni District.

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

Cr1.OP(MD)No.11906 of 2021
04.10.2021

NSN(CO)/RS (13.10.2021) 3P 5C