



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.09.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**
Crl.O.P. (MD) No.14111 of 2021

WEB COPY

M.K.Ramachandran

... Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
Elayankudi Police Station,
Sivagangai District.

3.The Inspector of Police,
District Crime Branch,
Sivagangai,
Sivagangai District.

... Respondents

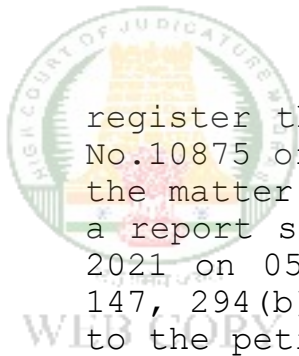
PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the 1st respondent to transfer the complaint in Crime No.344 of 2021, dated 05.08.2021, pending on the file of the 2nd respondent police to the 3rd respondent police or any other competent Authority and conduct a fair investigation.

For Petitioner	: Mr.T.Indrachithu
For Respondents	: Mr.K.Sanjai Gandhi Government Advocate (Crl. Side)

ORDER

This petition is filed seeking a direction to the 1st respondent to transfer the complaint in Crime No.344 of 2021, dated 05.08.2021, pending on the file of the 2nd respondent police to the 3rd respondent police or any other competent Authority and conduct a fair investigation.

2.The grievance of the petitioner is that even though a complaint has been given with regard to an occurrence, it was not properly registered. Hence, the petitioner has filed a petition before the learned Judicial Magistrate, Elayankudi under Section 156 (3) Cr.P.C. in Cr.M.P.No.435 of 2020 and on 24.03.2020, the learned Judicial Magistrate, Elayankudi, directed the 2nd respondent to register a case. Even after receipt of the same, he did not



register the case. Thereafter, the petitioner filed a Crl.O.P.(MD). No.10875 of 2021 before this Court. At that time, on 09.08.2021 when the matter was taken up for hearing, the second respondent submitted a report stating that FIR was already registered in Crime No.344 of 2021 on 05.08.2021 for the offences punishable under Sections 120, 147, 294(b), 406, 420 and 506(i) of IPC. But the FIR was not issued to the petitioner as well to the accused. So the petitioner has sent a representation to the first respondent for transfer of investigation and for that they issued CSR receipt. Even after going up through the above long process, no steps have been taken.

3.However, the learned Additional Public Prosecutor submitted that summon was issued to the petitioner to appear before the Investigation Officer for completing the enquiry. But he did not appear so far. Six witnesses have been examined in this case.

4.The petitioner is directed to appear before the Investigating Officer/second respondent herein and co-operate with him to complete the investigation and during the course of investigation, if the petitioner come across any biased attitude, he is at liberty to approach this Court. Since the investigation at initial stage, this Court is not inclined to transfer the investigation. Therefore, with the above liberty, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (T&P)

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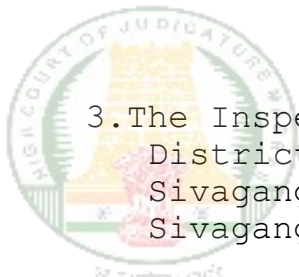
Sub Assistant Registrar(CS)

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,
Sivagangai District,
Sivagangai.
- 2.The Inspector of Police,
Elayankudi Police Station,
Sivagangai District.



3.The Inspector of Police,
District Crime Branch,
Sivagangai,
Sivagangai District.

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

CrI.O.P. (MD) No.14111 of 2021
22.09.2021

_RD(4.10.2021) 3P 5C