



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.798 OF 2022

A.Kandhasamy

... Petitioner/Defacto
Complainant

Versus

The State Rep. by

1. The Director General of Police,
Office of the Director General of Police,
Chennai - 600 004.
2. The District Superintendent of Police,
Office of the District Superintendent,
Coimbatore.
3. The Deputy Commissioner-cum-Land Grabbing Cell,
Office of the Deputy Commissioner,
Coimbatore.
4. The Inspector of Police,
Madukkarai Police Station,
Coimbatore.
Crime No.96 of 2021.

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent to transfer the investigation in Crime No.96 of 2021 on the file of the Madukkarai Police Station, Coimbatore to the third respondent and direct them to conduct de novo investigation or in the alternative transfer the same to any other investigation agency.

For Petitioner : Mr.W.Camylyes Gandhi

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor



ORDER

This Criminal Original Petition has been filed to direct the first respondent to transfer the investigation in Crime No.96 of 2021 on the file of the Madukkarai Police Station, Coimbatore to the third respondent and direct them to conduct de novo investigation or in the alternative transfer the same to any other investigation agency.

2. The petitioner, who is the defacto complainant in Crime No.96 of 2021, has filed this petition seeking transfer of investigation.

3. The learned Additional Public Prosecutor submitted that the petitioner earlier filed Crl.O.P.No.696 of 2022 seeking Madukkarai Police to register First Information Report based on his complaint dated 30.12.2021. In that petition, the learned Additional Public Prosecutor informed that on the complaint of the petitioner, Crime No.96 of 2021 was registered. After investigation, the same was closed as mistake of fact and RCS notice was served to the petitioner on 14.05.2021.

4. At this stage, the learned counsel for the petitioner submitted that RCS notice was not served to the petitioner.

5. It is seen that the learned counsel for the petitioner earlier filed Crl.O.P.No.696 of 2022 and based on the order passed in the said petition, FIR was registered in Crime No.96 of 2021. After investigation, the same was closed as a mistake of fact and informed to the petitioner. Though the petitioner knew that closure report was filed in Crime No.96 of 2021, instead of filing objection petition, he has filed the present petition seeking transfer of investigation.

6. In view of the same, this Court is not inclined to entertain this petition. Hence, this petition is dismissed. However, the petitioner not served with RCS notice, report the respondent Police to serve RCS notice to the petitioner, therefore, if the petitioner is aggrieved, he can challenge the same by way of filing protest petition.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dna



To

1. The Director General of Police,
Office of the Director General of Police,
Chennai - 600 004.
2. The District Superintendent of Police,
Office of the District Superintendent,
Coimbatore.
3. The Deputy Commissioner-cum-Land Grabbing Cell,
Office of the Deputy Commissioner,
Coimbatore.
4. The Inspector of Police,
Madukkarai Police Station,
Coimbatore.
Crime No.96 of 2021.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.W.Camyles Gandhi, Advocate, S.R.No.4107

CRL.O.P.NO.798 OF 2022

PMK(CO)
PBS/14/02/2022