



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.5106 of 2022

M.Dhanasekaran,
S/o.Murugan

... Petitioner

Vs

- 1.State Represented by
The Superintendent of Police,
Dharmapuri District.
- 2.The Deputy Superintendent of Police,
Pennagaram Taluk,
Dharmapuri District.
- 3.The Inspector of Police,
E-2 Papparapatti Police Station,
Dharmapuri District.
- 4.The Inspector of Police,
CBCID, Dharmapuri District.

...Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents to transfer the investigation of the case in Crime No.433 of 2021 on the file of the third respondent to the Inspector of Police, CBCID, Dharmapuri District.

For Petitioner : Mr.J.Karthikeyan

For Respondents : Mr.V.Meganathan

Government Advocate (criminal side)

ORDER

This Criminal Original Petition has been filed, to direct the respondents to transfer the investigation of the case in Crime No.433 of 2021 on the file of the third respondent to the Inspector of Police, CBCID, Dharmapuri District.



2. When the matter is taken up for hearing, learned Government Advocate (criminal side) would submit that investigation in Crime No.433 of 2021 has been completed and the final report has been filed. He would further submit that the case has been taken on file in C.C.No.17 of 2022 before the Judicial Magistrate Court, Pennagaram, Dharmapuri District and now stands posted for questioning the accused today i.e., on 07.03.2022. At this stage, this Court cannot direct the respondents to transfer the investigation. However, the petitioner being the defacto complainant if aggrieved by the final report is entitled to proceed with in accordance with law, as per the dictum in Vinubhai Haribhai Malaviya and Others Vs State of Gujarat and Another reported in (2019) 3 MWN CrI. 349.

3. Recording the same this Criminal Original Petition stands disposed of.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

shk/arb

To

1.The Superintendent of Police,
Dharmapuri District.

2.The Deputy Superintendent of Police,
Pennagaram Taluk,
Dharmapuri District.

3.The Inspector of Police,
E-2 Papparapatti Police Station,
Dharmapuri District.

4.The Inspector of Police,
CBCID, Dharmapuri District.

5.The Public Prosecutor,
High Court of Madras.

+1 CC to Mr.J.Karthikeyan, Advocate sr 15096.

CrI.O.P.No.5106 of 2022

PA(CO)

SP(20/04/2022)