



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.5956 of 2021
& Crl.M.P.No.3852 of 2021

N.K.Pothuvudai

...

Petitioner

versus

1.The Director General of Police,
Office of the Director General of Police,
Mylapore, Chennai-600 004.

[R-1 is deleted as per order in Crl.O.P.No.5956 of 2021 dated 25.03.2021]

2.The Superintendent of Police,
Nagapattinam District,
Nagapattinam.

3.The Inspector of Police,
Voimedu Police Station,
Voimedu, Vedharanyam Taluk,
Nagapattinam District.

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Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to direct the first respondent to transfer investigation in Crime No.881 of 2020 on the file of the third respondent police to CBCID Police to investigate the above same and file a final report expeditiously.



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& Crl.M.P.No.3852 of 2020



For Petitioner : M/s.R.Murugabharathi

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the first respondent police to transfer the investigation in Crime No.881 of 2020 on the file of the third respondent police to CBCID Police to investigate the same and file a final report.

2. The learned counsel appearing for the petitioner submitted that on the complaint given by the *de facto* complainant on the allegations of theft, a case has been registered in Crime No.881 of 2020 on the file of the third respondent police for the offence under Section 379 IPC; so far no fruitful action has been taken; the respondents 1 and 2 colluded with the accused and abstain from taking fair action on the F.I.R.

3. The learned Additional Public Prosecutor appearing for the respondents submitted that the investigation has been completed and charge sheet has been referred as mistake of fact. He also attracted the



attention of this Court to the Final Report which has been filed to drop further action on the basis of the statement given by the daughter of the *de facto* complainant that they did not have such jewels at their house as alleged in the complaint.

4. However, the learned counsel for the petitioner submitted that notice for referring the charge sheet was not served on him. Hence, the third respondent police is directed to serve a copy of the notice to the petitioner. If the petitioner is not satisfied with the report, he is at liberty either to accept the final report or to file protest petition / private complaint in accordance with law.

5. With these observations, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

18.11.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

sri

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To
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- 1.The Superintendent of Police,
Nagapattinam District,
Nagapattinam.
- 2.The Inspector of Police,
Voimedu Police Station,
Voimedu, Vedharanyam Taluk,
Nagapattinam District.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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R.N.MANJULA, J.

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