



CrI.O.P.No.8305 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CrI.O.P.No.8305 of 2022

S.Parirajan

... Petitioner

Versus

1.The Superintendent of Police
Mayiladudurai District

2.The Inspector of Police
Manalmedu Police Station
Manalmedu
Mayiladudurai District

3.The Assistant Commissioner of Police
CBCID
Mayiladudurai District

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to transfer the pending investigation in Cr.No.1254 of 2020 on the file of the 2nd respondent to the 3rd respondent.

For Petitioner : Mr.M.Mohammed Riyaz
For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

WEB COPY This petition has been filed to transfer the investigation in Cr.No.1254 of 2020 registered for the offences under 457, 380 & 302 IPC on the file of the 2nd respondent to the 3rd respondent.

2. The grievance of the petitioner is that despite the registration of the First Information Report investigation is not proceeded and no accused has also been detected.

3. The learned Additional Public Prosecutor would submit that one of the suspect namely Ayyavu was called to the police station for investigation and subsequently, he had committed suicide by consuming poison. Thereafter, there was huge agitation in the village and hence, they could not proceed further.

4. Normally, the investigation cannot be charged as a matter of right, but, at the same time when the flaw in investigation is apparent, the Court can transfer the investigation. This Court perused the case diary produced



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by the Inspector of Police and on the perusal of the same, it would reveal statement under Section 161 Cr.P.C. implicates from two persons namely Gnanaoli and Shakiladevi and had also raised suspicion over some of the persons. Despite, such statement from the witnesses and suspicion over some persons, it appears that investigation has not proceeded in that direction.

5. Learned Additional Public Prosecutor submits that after the death of one of the victim, there was huge agitation in the village and hence, thereafter investigation was not proceeded. The very statement makes it is clear that the police is not serious in probing the issue. Such view of the matter, this Court is invoking its inherent jurisdiction under Section 482 of Cr.P.C.

6. Accordingly, the Assistant Commissioner of Police, CBCID, Mayiladuthurai District is directed to conduct the investigation in this matter, enquire thoroughly and such investigation shall be completed expeditiously preferably within six months from the date of receipt of a



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copy of this Order.

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7. With the above observations, this criminal original petition stands disposed of. No costs.

29.06.2022

dhk

N. SATHISH KUMAR,J.

dhk

To

1.The Superintendent of Police
Mayiladudurai District

2.The Inspector of Police
Manalmedu Police Station
Manalmedu
Mayiladudurai District

3.The Assistant Commissioner of Police
CBCID
Mayiladudurai District

4.The Public Prosecutor,
Madras High Court, Chennai

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WEB COPY

This matter is posted today before this Court under the caption 'For Being Mentioned' at the instance of the learned counsel appearing for the petitioner.

2. The learned counsel appearing for the petitioner submitted that this Court, by an order dated 29.06.2022 in Crl.O.P.No.8305 of 2022 disposed of the petition. However in the order copy, there were some typographical error in the cause title and in the operating portion. Hence, he prayed for suitable directions.

3. Considering the submission made by the learned counsel appearing for the petitioner, the cause title of the 3rd respondent reads as follows:-

*“3. The Deputy Superintendant of Police,
Thanjavur Range,
Thanjavur.”*

The operating portion of paragraph No.6 reads as follows:-

*“6. Accordingly, the Deputy Superintendent of Police,
Thanjavur Range, Thanjavur is directed to conduct the
investigation in this matter, enquire thoroughly and such
investigation shall be completed expeditiously preferably
within six months from the date of receipt of a copy of this
Order.”*



WEB COPY



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gd

4. Registry is directed to correct the order dated 29.06.2022 in
Crl.O.P.No.8305 of 2022, as above and issue order copy afresh.

23.12.2022

gd

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23.12.2022