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Crl.O.P.No.25427 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.25427 of 2022

V.Gunasekaran

...

Petitioner

versus

State by

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

2.The Inspector of Police,
District Crime Branch,
Namakkal.

3.The Inspector of Police,
CBCID, Namakkal,
Namakkal District.

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to direct the first respondent to transfer the investigation in C.S.R.No.1 of 2022 on the file of the Inspector of Police, District Crime Branch, Namakkal, the second respondent herein to the file of the Inspector of Police, CBCID, Namakkal, Namakkal District the third respondent herein for reinvestigation.



For Petitioner : Mr.C.Prakasam

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the first respondent to transfer the investigation in C.S.R.No.1 of 2022 on the file of the second respondent to the file of the third respondent, for reinvestigation.

2. The learned counsel for the petitioner submitted that on the petition filed by the petitioner in Crl.O.P.No.21178 of 2021, an order has been passed by this Court by stating that “if any white-collar offence of forgery is found on the complaint given by the petitioner, the same should be forwarded to the District Crime Branch, Namakkal and the enquiry should be continued there.” Another petition was filed by the petitioner in Contempt Petition No.904 of 2022 by alleging that the above order of the Court was not complied. In the said order, the following observation has been made:-

“2. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that as directed by this Court, the respondent forwarded the petitioner's complaint to the District Crime Branch,



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Namakkal and the same was enquired in C.S.R.No.56 of 2022 and closed on 15.06.2022.

3. Considering the said submission, no contempt is made out as against the respondent and this Contempt Petition is dismissed.”

3. The learned Additional Public Prosecutor appearing for the respondents submitted that only basing on the direction given by this Court, an enquiry has been conducted on the complaint given by the petitioner and the same was closed on 05.10.2022. However, the learned counsel for the petitioner claims that the closure report pertains to a petition in C.S.R.No.1 of 2022. But in the order of this Court dated 22.07.2022 in Cont.P.No.904 of 2022, the reference is made out in C.S.R.No.56 of 2022.

4. Now, the prayer made in this petition is with regard to C.S.R.No.1 of 2022. The closure report also pertains to C.S.R.No.1 of 2022. The petitioner is aggrieved due to the report of the second respondent police in closing the CSR. It is up to him to exhaust the remedy available to him under Section 156(3) or Section 200 Cr.P.C. by following the guidelines laid down by this Court in ***G.Prabhakaran vs. The Superintendent of Police, Thanjavur*** reported in ***(2018) 2 LW Crl 489***.



5. Since the CSR is closed nothing survives for further consideration. Hence, the Criminal Original Petition is dismissed as infructuous.

20.10.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

sri

To

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1.The Superintendent of Police,
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2.The Inspector of Police,
District Crime Branch,
Namakkal.

3.The Inspector of Police,
CBCID, Namakkal,
Namakkal District.

4.The Public Prosecutor,
Madras High Court,
Chennai.



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R.N.MANJULA, J.

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