



WEB COPY



Crl.O.P.No.28940 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.28940 of 2022

A.S.Ushakumari

...

Petitioner

Vs.

1.The District Superintendent of Police,
Krishnagiri District.

2.The Inspector of Police,
Town Police Station,
Hosur, Krishnagiri District.

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

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to transfer the investigation in Crime No.250 of 2014 on the file of the 2nd respondent police to the 3rd respondent.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondents : Mr.S.Santhosh

Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed to transfer the investigation in Crime No.250 of 2014, on the file of the 2nd respondent police to the 3rd respondent.



Crl.O.P.No.28940 of 2022

2. When the matter is taken up, the learned Government Advocate (Crl.Side) submitted that FIR in this case was closed under Section 468 Cr.P.C. on 30.11.2017. He further submitted that CD file is not available with them.

3. In view of the closure of FIR by the concerned learned Judicial Magistrate on 30.11.2017 under Section 468 Cr.P.C., this Court is not in a position to order transfer of the Investigation. However, on going through FIR averments, this Court finds that the gold weighing 50 sovereigns was snatched from the defacto complainant by three persons, who came in two wheeler. The fact that the respondent police has not done any effective investigation from the date of registering the complaint till the date of closure of FIR shows the ineffective and incompetent investigation of the respondent police.

4. There is an option available under Section 473 Cr.P.C., to approach the concerned learned Judicial Magistrate for seeking extension of period of limitation even if the FIR is closed. Therefore, the respondent police are advised to investigate the case effectively and file a final report invoking Section 473 Cr.P.C. It is upto the petitioner, if she is so advised, to challenge the closure of FIR under Section 468 Cr.P.C.



Crl.O.P.No.28940 of 2022

WEB COPY

5. With these directions, this Criminal Original Petition is disposed of.

09.12.2022

sli

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

To:

1. The District Superintendent of Police,
Krishnagiri District.
2. The Inspector of Police,
Town Police Station,
Hosur, Krishnagiri District.
3. The Inspector of Police,
CBCID, Krishnagiri District.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.28940 of 2022

G.CHANDRASEKHARAN, J.
sli

CrI.O.P. No.28940 of 2022

09.12.2022