



Crl.O.P.No.30113 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30113 of 2022

L.Sivaraj

... Petitioner

Vs.

1.The State,
Represented by
The Inspector of Police,
District Crime Branch,
Coimbatore.

2.The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to Crime No.63 of 2016 on the file of the second respondent and transfer the same to the first respondent with a direction to investigate the case and file final report before the Jurisdictional



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Magistrate, Coimbatore.

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For Petitioner : Ms.S.Pooja Shree

For Respondents : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to transfer the case in Crime No.63 of 2016 on the file of the second respondent to the first respondent and direct the first respondent to investigate the case and file the final report.

2. The learned counsel for the petitioner would submit that originally based on the complaint of the petitioner, a case in Crime No.63 of 2016 has been registered for the offences under Sections 457 and 380 of IPC. Thereafter, the respondents police without conducting proper investigation, filed a negative report claiming that the allegation made in the complaint are the result of mistake of fact. Then the petitioner filed a protest petition against the closure report. By considering the protest petition on merits, the learned Magistrate on 01.04.2022, directed the investigating officer to conduct further investigation in the matter. Even thereafter, no further investigation was done,



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resulting in filing of this petition.

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3. The learned Government Advocate (crl.side) for the respondents submitted that while allowing the protest petition, the learned Magistrate gave a specific direction for the petitioner to cooperate for the investigation. In this regard, summon dated 15.09.2022 was issued to the petitioner under Section 91 of Cr.P.C., with a direction to appear before the respondent police. However, the petitioner has not appeared. The respondents police will complete the further investigation if time is granted by this Court.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) for the respondent.

5. Though the order for further investigation was passed on 01.04.2022, the respondents police issued a summon under Section 91 of Cr.P.C., on 15.09.2022, with a delay of nearly 5 months. Therefore, the respondents police are directed to complete the investigation as ordered by the learned Magistrate on 01.04.2022, within a period of one month from today and file the final report before the concerned Court.



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G.CHANDRASEKHARAN, J.

shk

6. With a above direction, this Criminal Original Petition stands disposed of.

06.12.2022

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

shk

To

- 1.The Inspector of Police,
District Crime Branch,
Coimbatore.
- 2.The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore.
3. The Public Prosecutor,
Madras High Court.

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