



Crl.O.P.No.30708 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30708 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.531 of 2016 on the file of second respondent and transfer the same to the first respondent with a direction to investigate the case and file final report before the Jurisdictional Magistrate, Coimbatore.



Crl.O.P.No.30708 of 2022

For Petitioner : M/S.A.Parthasarathy and Associates

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

ORDER

This Criminal Original Petition has been filed to transfer the case in Crime No.531 of 2016 on the file of the second respondent police to the file of the first respondent and to direct the first respondent to investigate the case and file the final report.

2. The learned counsel for the petitioner would submit that based on the complaint of the petitioner, a case in Crime No.531 of 2016 has been registered for the offences under Sections 454 and 380 of IPC. Thereafter, the second respondent police without conducting proper investigation, filed a negative report claiming that the allegation made in the complaint is 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, resulting in filing of this petition.



Crl.O.P.No.30708 of 2022

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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 second respondent police. However, the petitioner has not appeared. The second respondent 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 respondents.

5. Though the order for further investigation was passed on 01.04.2022, the second respondent police issued a summon under Section 91 of Cr.P.C., on 15.09.2022, with a delay of nearly 5 months. Therefore, the second respondent police is 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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Crl.O.P.No.30708 of 2022

G.CHANDRASEKHARAN, J.
shk

6. With the above direction, this Criminal Original Petition is disposed
of.

13.12.2022

Internet: Yes
Index: Yes/No

shk

To:

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

Crl.O.P. No.30708 of 2022