



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.497 of 2022

M.Veeraprakash

... Petitioner/Defacto Complainant
Vs.

1.The Superintendent of Police,
Theni District.

2.The Inspector of Police,
Theni Police Station,
Theni District.
(Crime No.634 of 2019)

3.The Inspector of Police,
District Crime Branch,
Theni District.

... Respondents /Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to transfer the investigation of the case in Crime No.634 of 2019 from the file of the Inspector of Police, Theni Police Station, Theni District to the file of the Inspector of Police, District Crime Branch, Theni District.

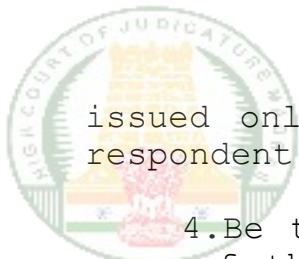
For Petitioner : Mr.R.Anand
For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side).

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents.

2.The petitioner is the defacto complainant in Crime No.634 of 2019 registered on the file of the second respondent. Seeking transfer of investigation, this criminal original petition has been filed.

3.When the matter was taken up for hearing, the learned Government Advocate (Crl. Side) produced copy of the final report closing the case as 'mistake of fact'. Though the final report is dated 14.09.2019, the postal receipt indicates that RCS notice was



issued only on 07.01.2022. The delay on the part of the second respondent appears to be deliberate and it cannot be appreciated.

4.Be that as it may, the second respondent shall file a fresh copy of the final report before the jurisdictional Magistrate and the jurisdictional Magistrate shall cause service of the RCS notice to the petitioner. It is open to the petitioner to file a protest petition. Thereafter, it is for the learned Jurisdictional Magistrate to take a call in the matter. The protest petition to be filed by the petitioner will be disposed of within a period of four weeks after it is filed.

5.This criminal original petition is disposed of accordingly.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Chief Judicial Magistrate, Theni
2. The Superintendent of Police, Theni District.
- 3.The Inspector of Police,
Theni Police Station, Theni District.
- 4.The Inspector of Police,
District Crime Branch, Theni District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P(MD)No.497 of 2022
12.01.2022

NSN(CO)

TR(31.01.2022) 2P 6C