



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.754 of 2022

Chinnathai

... Petitioner

Vs.

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

2. The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.
(Crime No.569 of 2021)

3. Asirvatham

... Respondents

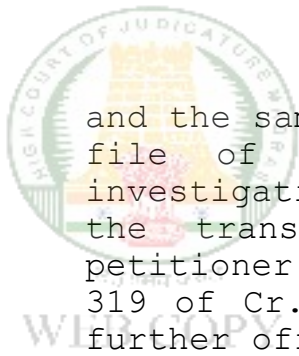
Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the first respondent to transfer the investigation of the case in Crime No.569 of 2021 on the file of the second respondent to CBCID, Thoothukudi or any other investigation agency.

For Petitioner	:	Mr.K.Rameshkumar
For Respondents	:	Mr.R.M.Anbunithi Additional Public Prosecutor (Criminal Side) for R.1 & R.2 Mr.M.Prabu for R.3

ORDER

This Criminal Original Petition has been filed seeking a direction to direct the first respondent to transfer the investigation of the case in Crime No.569 of 2021 on the file of the second respondent to CBCID, Thoothukudi or any other investigation agency.

2. The learned Additional Public Prosecutor (Criminal Side) submitted that initially the case was registered under 174 Cr.P.C in Crime No.569 of 2021. After completion of investigation offence has been altered to 306 IPC and now final report has been filed as against the third respondent for the offence under Section 306 IPC



and the same has been pending committal in P.R.C.No.8 of 2022 on the file of the learned Judicial Magistrate, Vilathikulam. No investigation is pending on the file of the second respondent. Hence the transfer of investigation does not arise. However, the petitioner can very well invoke the provision under Sections 216 and 319 of Cr.P.C before the learned trial Court, during trial to add further offence and accused.

3. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

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 Superintendent of Police,
Thoothukudi District,
Thoothukudi.
2. The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.PRABU, Advocate (SR-11943[F] dated 14/03/2022)

Crl.O.P(MD)No.754 of 2022

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RK(31/03/2022) 2P 5C