



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.1171 of 2022

WEB COPY

Suresh

... Petitioner/
Brother of the Deceased

vs.

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

2.The Inspector of Police,
Kadamalaikundu Police Station,
Kadamalaikundu,
Theni District.

3.The Deputy Superintendent of Police,
CBCID,
Theni.

... Respondents/Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the investigation in Crime No.410 of 2021 pending on the file of the second respondent to the file of the third respondent with a direction to investigate into the matter and file charge sheet in accordance with law.

For Petitioner	: Mr.J.Sulthan Basha
For Respondents	: Mr.M.Sakthi Kumar
	Government Advocate (Crl.Side)

O R D E R

The petitioner is the brother of the deceased. The death had occurred under unnatural circumstance. Hence, Crime No.410 of 2021 was registered on the file of the Kadamalaikundu Police Station under Section 174 of Cr.P.C. Seeking transfer of investigation, this Criminal Original Petition has been filed.

2. On going through the contents of the petition as well as FIR, I am not satisfied that the case for transfer of investigation has been made out.

3. At this stage, the learned Government Advocate (crl.side) submits that the final report was filed on 03.09.2021 in closing the case as 'action dropped'.

4. Though the petitioner is not a defacto complainant, the second respondent is directed to issue notice to the petitioner



herein along with a copy of the final report filed by them. The Judicial Magistrate, Andipatti is also directed to issue RCS notice to the petitioner herein. It is open to the petitioner herein to file protest petition and it is for the learned Magistrate to take a call in the matter on merits and in accordance with law within a period of four weeks from the date of filing of the protest petition by the petitioner herein.

5. With this direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

rmi

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 Judicial Magistrate,Andipatti
 - 2.The Superintendent of Police,
Theni District,
Theni.
 - 3.The Inspector of Police,
Kadamalaikundu Police Station,
Kadamalaikundu,
Theni District.
 - 4.The Deputy Superintendent of Police,
CBCID,
Theni.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1 CC to M/s.J.SULTHAN BASHA, Advocate(SR-2200[F] dated 24/01/2022)

Crl.O.P. (MD)No.1171 of 2022

24.01.2022