



WEB COPY

CRL OP(MD). No.4634 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL OP(MD). No.4634 of 2022

&

CRL MP(MD).3265 of 2022

K.V.Vasu

... Petitioner

Vs

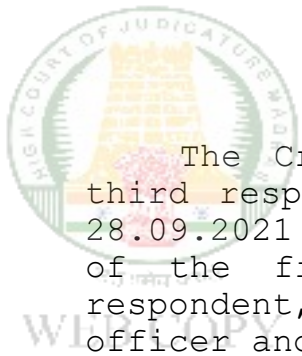
1. The Secretary,
Department of Home Affairs,
State of Tamil Nadu,
Fort St.George,
Chennai.
2. The Director General of Police,
No 1, Dr.Radhakrishna Salai,
Mylapore,
Chennai - 600 004.
3. The Superintendent of Police,
O/o. The Superintendent of Police,
Dindigul District.
4. The Superintendent of Police (South Zone),
O/o. The Superintendent of Police (South Zone),
CBCID,
Madurai.
5. The Inspector of Police,
Thandikudi Police Station,
Dindigul District.

... Respondents

PRAYER :- This Criminal Original Petition filed under Section 482 Cr.P.C.to directing the third respondent to withdraw the case in Cr.No.205 of 2021 dated 28.09.2021 registered U/s.457 and 380 of IPC on the file of R5 and entrust the same to R4 for an investigation of the case by a competent officer and file a final report before Jurisdictional Magistrate.

For Petitioner : Mr.J.Pandi Dorai

For Respondents : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)



ORDER

The Criminal Original Petition has been filed to direct the third respondent to withdraw the case in Cr.No.205 of 2021 dated 28.09.2021 registered under Sections 457 and 380 of IPC, on the file of the fifth respondent and entrust the same to the fourth respondent, for conducing investigation in the case, by a competent officer and file a final report before Jurisdictional Magistrate.

2.The learned Government Advocate (Criminal Side) would submit that the fifth respondent police filed a status report revealed that on the complaint lodged by the petitioner, FIR in Crime No.205 of 2021 has been registered for the offences punishable under Section 457, 380 IPC, on the allegation that on 23.09.2021, when the petitioner went to Coimbatore for his brother's marriage and returned on 27.09.2021 and found that roof of his residence was broken and 60 sovereigns of golden ornaments were missing along with Rs.45,000/- cash. After registering the FIR, the fifth respondent recorded statements under Section 161(3) of Cr.P.C from the witnesses and gathered information, with the help of CCTV footage. They also collected finger prints from the scene of occurrence and said finger prints matched with the defacto complainant and his wife and another finger print was not matched with other habitual offenders. Therefore, they proceeded with fair and impartial investigation and about to find out the original culprits, based on the finger prints collected from the scene of occurrence.

3.At this juncture, if the investigation transferred to other agency, it would affect the entire investigation already done by the fifth respondent and would not serve any purpose.

4.Accordingly, this Criminal Original Petition is dismissed. However, the fifth respondent is directed to complete the investigation, within a period of 12 weeks, from the date of receipt of a copy of this order. The first respondent is directed to monitor the investigation done by the fifth respondent and ensure that the fifth respondent is comply with the direction imposed by this Court. Consequently, connected miscellaneous petition is closed.

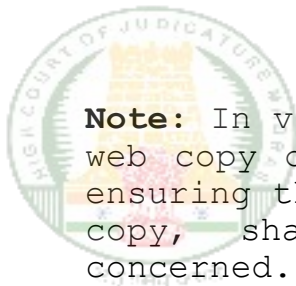
Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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.

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Madurai.
5. The Inspector of Police,
Thandikudi Police Station,
Dindigul District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.J.PANDI DORAI, Advocate (SR-14805[F] dated 28/03/2022)

ORDER IN
CRL OP(MD) . No.4634 of 2022

&
CRL MP(MD).3265 of 2022
Date : 25.03.2022

SA(12.04.2022) 5P 8C