



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD).No.5758 of 2022

K.Vallikannu

... Petitioner

Vs.

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

2.The Inspector of Police,
Sipcot Police Station,
Thoothukudi District.

3.The Inspector of Police,
CBCID,Thoothukudi,
Thoothukudi District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to issue a direction directing the 1st respondent to transfer the investigation of Crime No.380 of 2021 from the 2nd respondent to the 3rd respondent.

For Petitioner : Mr.S.M.Mohan Gandhi

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed for transfer of investigation in Crime No.380 of 2021 from the file of the second respondent to the file of the third respondent.

2. The learned Additional Public Prosecutor appearing for the respondents submitted that F.I.R is registered in Crime No.380 of 2021 on the complaint lodged by the petitioner and F.I.R is registered in Crime No.381 of 2021 on the counter complaint lodged by the counter party and both the F.I.Rs were enquired and closed as 'mistake of fact'. Therefore, there is no investigation pending on the file of the second respondent in Crime No.380 of 2021.

3. However, learned counsel for the petitioner would submit that even till today, the petitioner did not receive any RCS notice



from the second respondent.

4. Therefore, the transfer of investigation in Crime No.380 of 2021 does not arise. This Criminal Original Petition is dismissed. However, the second respondent is directed to serve the RCS Notice in Crime No.380 of 2021 within a period of two (2) weeks from the date of receipt of a copy of this order. On receipt of the same, the petitioner is at liberty to file a protest petition in manner known to law, if so advised.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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,
Thoothukudi District.
- 2.The Inspector of Police,
Sipcot Police Station,
Thoothukudi District.
- 3.The Inspector of Police,
CBCID, Thoothukudi,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SRR(CO)
KB(21.04.2022) 2P 5C