



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Criminal Original Jurisdiction

**Friday, the Twenty Second day of October Two Thousand and Twenty One
PRESENT**

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.5997 of 2021

WEB COPY

S.Kalimuthu ... Petitioner/Defecto complainant

Vs

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

2.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District

3.The Inspector of Police,
C. B. C.I. D Kodaikanal,
Dindigul District ... Respondents

Prayer :-

This petition filed under Section 482 of Cr.P.C., praying this Court to Transfer the investigation in Crime No. 489/2015 pending on the file of the 2nd Respondent and entrust the same to the file of the 3rd Respondent.

ORDER:- This Petition coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.C.Senthil Murugan, Advocate for the Petitioner and of Mr.R.M.Anbunithi, Government Advocate for the respondents, this Court made the following order:

This petition is filed by the petitioner, who is the defacto complainant in Crime No.489 of 2015, which was registered for the offences punishable under Sections 420, 468, 471 and 506(ii) of IPC and Section 3 of Exorbitant Interest Act, seeking transfer of investigation.

2.Now, the grievance of the petitioner is that even after a lapse of 5 years, no progress has been made in the investigation and on the previous occasion also, when there was a refusal on the part of the respondent police to register the case, the petitioner approached the concerned Magistrate and filed a petition under Section 156 (3) of Cr.P.C. Even though it happened in 2015, again he approached this Court seeking direction for filing the final report within the time stipulated by this Court. That was also granted and in spite of that, there was no progress, which forced the petitioner to file the present petition.



3.The learned Additional Public Prosecutor appearing for the respondents would submit that the case was transferred to the Deputy Superintendent of Police, Kodaikanal, by the order dated 20.08.2021.

4.The learned counsel appearing for the petitioner would submit that the main prayer in that petition is to transfer the investigation to the file of CBCID not to the Deputy Superintendent of Police, Kodaikanal.

5.When the matter is pending before the appropriate authority, unless the petitioner has got any grievance against the Investigating Officer, transfer of investigation may not be possible. However, the learned Additional Public Prosecutor is not in a position to argue the case with regard to the arguments that has been made by the learned counsel for the petitioner in Crl.O.P. (MD) No.11131 of 2021.

6.Let the learned Additional Public Prosecutor verify the statement that has been given by the aforesaid learned counsel for the petitioner. List the matter on 16.11.2021 for final orders.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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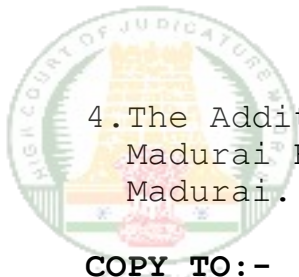
Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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

2.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District

3.The Inspector of Police,
C. B. C.I. D Kodaikanal,
Dindigul District



4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:-

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED : 22/10/2021

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ORDER

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CRL OP(MD) . No.5997 of 2021

Giving direction and etc.
as stated within.

SE (CO)
GC/UV(02.11.2021) 3P 6C