



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.7622 of 2022

WEB COPY

M.Asilar

...Petitioner/ Complainant

Vs.

1.The Superintendent of Police,
Kanyakumari District.

2.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
(Crime No.522 of 2017)

3.The Inspector of Police CBCID,
Nagercoil,
Kanyakumari District.

...Respondents/Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to change the investigation agency from the second respondent to third respondent herein in respect of the case in Crime No.522 of 2017 pending before the second respondent.

For Petitioner : Mr.S.Ramasamy

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

ORDER

This Criminal Original Petition has been filed to change the investigation agency from the second respondent to third respondent herein in respect of the case in Crime No.522 of 2017 pending before the second respondent.

2. After registering the FIR in Crime No.522 of 2017 for the offence punishable under Sections 147, 148, 452, 294(b), 323, 324 and 506(ii) IPC, completed the investigation, thereafter, it was closed as 'mistake of fact' and filed the charge sheet before the learned Judicial Magistrate, Eraniel. On receipt of the referred charge sheet notice, the petitioner had failed to produce the petition in Crl.M.P.No.5131 of 2019 and the Court below directed the second respondent for further investigation.



3. The learned Additional Public Prosecutor (Crl.Side) submitted that as directed by the Court below, the second respondent is now under investigation and it is pending. It is further submitted that the second respondent is about to complete further investigation and file the final report within a period of four weeks.

4. Considering the facts and circumstances, the transfer of investigation does not arise since already the Court below directed the second respondent to conduct further investigation and it is about to complete. Hence this Criminal Original Petition is dismissed. However, the second respondent is directed to complete the further investigation and file the final report within a period of four weeks from the date of receipt of a copy of this order. The first respondent is directed to monitor the further investigation done by the second respondent.

5. Accordingly, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Superintendent of Police,
Kanyakumari District.
- 2.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
- 3.The Inspector of Police,
Nagercoil,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD) No.7622 of 2022

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