



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.14902 of 2021

and

W.M.P (MD) No.11803 of 2021

R.Kumaraiya

...Petitioner

Vs.

- 1.The State represented by,
The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Muthukulathur Sub Division,
Ramanathapuram District.
- 3.The Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram District.
- 4.The Sub Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
- 5.The Inspector of Police,
CBCID-Ramanathapuram District,
Ramanathapuram.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to transfer the investigation of the case in Crime No.91 of 2021, dated 26.06.2021 on the file of the fourth respondent, to the file of the fifth respondent or to any other competent authority on the basis of the petitioner's representation, dated 05.08.2021.

For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor



ORDER

Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

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2.The petitioner is a defacto complainant in Crime No.91 of 2021, registered on the file of the fourth respondent. The petitioner is of the view that the respondent police are rather indifferent. Hence he seeks transfer of investigation.

3.When the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that though the FIR was registered only under Section 174 of Criminal Procedure Code. They have now filed alteration report. Section 306 of Indian Penal Code has to be included. The respondent police proposed to file a positive final report.

4.The said submission is recorded. The second respondent is also directed to monitor the investigation and vet the final report before it is filed. Such a report shall be filed within a period of three months from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (P&A)

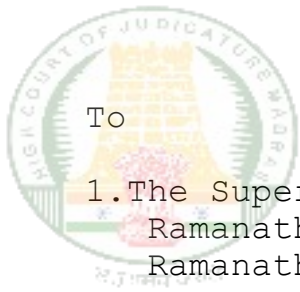
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/ /2022

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,
Ramanathapuram District,
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Muthukulathur Sub Division,
Ramanathapuram District.
- 3.The Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram District.
- 4.The Sub Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
- 5.The Inspector of Police,
CBCID-Ramanathapuram District,
Ramanathapuram.
- 6.The Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.SHANKAR GANESH, Advocate (SR-4375[F] dated
04/02/2022)

W.P. (MD) .No.14902 of 2021
03.02.2022

RD(22.02.2022) 3P 8C