



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2022

CORAM:

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

CRL OP(MD) . No.12339 of 2020

WEB COPY

Perumal

... Petitioner/
Defacto Complainant

Vs

1. The Superintendent of Police,
Dindigul District.
2. The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.
(Crime No.502 of 2020)
3. The Inspector of Police,
C.B.C.I.D,
Dindigul District.

... Respondents/
Respondents

PRAYER :- This Criminal Original Petition filed under Section 482 Cr.P.C. to transfer the investigation of the case in Crime No. 502 of 2020 from the file of the 2nd respondent to the file of the Inspector of Police, CBCID, Dindigul District for proceeding with the same in an unbiased manner.

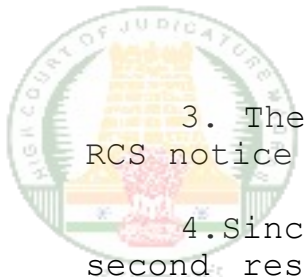
For Petitioners : Mr.R.Anand

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

ORDER

The Criminal Original Petition has been filed to transfer the investigation of the case in Crime No. 502 of 2020 from the file of the 2nd respondent to the file of the Inspector of Police, CBCID, Dindigul District for proceeding with the same in an unbiased manner.

2. Today when the matter is taken up for hearing, the learned Government Advocate(Crl.side) would submit that based on the complaint given by the defacto complainant the respondent police conducted enquiry in Crime No.502 of 2020 and filed a report before the learned Judicial Magistrate, Attur, as 'Mistake of Fact' and RCS notice has been duly served on the defacto complainant.



3. The learned counsel for the petitioner would submit that the RCS notice has not been served on him.

4. Since there was no investigation pending on the file of the second respondent, the transfer of investigation does not arise. Therefore, the prayer sought for in this petition has become infructuous. Accordingly, this Criminal Original Petition is dismissed. The respondent police is directed to serve RCS notice to the defacto complainant forthwith and on receipt of the same, the petitioner is at liberty to approach the concerned court by way of protest petition in the manner known to law.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TTA

To

1. The Superintendent of Police,
Dindigul District.
2. The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.
3. The Inspector of Police,
C.B.C.I.D,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Judicial Magistrate, Attur.

CRL OP(MD) . No.12339 of 2020

Date : 28/03/2022

RK(12/04/2022) 2P 6C