



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .No.12738 of 2021

K.Ayyanar

... Petitioner

Vs.

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

2. The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.

3. The Sub-Inspector of Police,
Tenkasi Police Station,
Tirunelveli District.
(Crime No.452 of 2018)

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to transfer the investigation of the case in Cr.No.452 of 2018 pending on the file of the third respondent police to any other independent agency or officer and for a further direction to file a final report within a reasonable time period to be fixed by this Court.

For Petitioner : Mr.N.Dilip Kumar

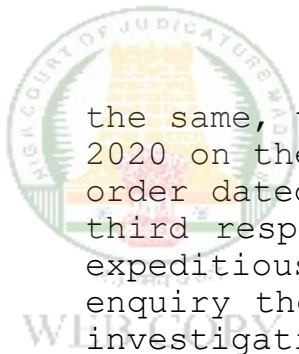
For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor(Crl. Side)

ORDER

This Criminal Original Petition has been filed to transfer the investigation of the case in Crime No.452 of 2018 pending on the file of the third respondent police to any other independent agency or officer and for a further direction to file a final report within a reasonable time period to be fixed by this Court.

2. It is seen that the petitioner had originally lodged complaint before the respondent police and the same was registered in Crime No.452 of 2018 for the offences punishable under Section 147, 294(b), 323, 427 and 506(1) of IPC. However, after completion of investigations, it was closed as 'mistake of fact'. Aggrieved by



the same, the petitioner filed a protest petition in Cr.MP.No.974 of 2020 on the file of the learned Judicial Magistrate, Tenkasi. By an order dated 09.10.2020, the learned Judicial Magistrate directed the third respondent to investigate further and file a final report as expeditiously. However, the third respondent did not conduct any enquiry thereafter. Therefore, the petitioner sought for change of investigation from the file of the third respondent to any other investigating agency.

3. The learned Additional Public Prosecutor submitted that on 21.02.2022, as directed by the Court below, the Sub Inspector of Police was appointed to complete the investigation and also to file a final report within a period of ten (10) days.

4. In view of the above, at this juncture, if the investigation is transferred to any other investigating agency, it will be affected and as such, the transfer of investigation cannot be granted. However, the third respondent is directed to complete the further investigation, as directed by the learned Judicial Magistrate, Tenkasi in Cr.MP.No.974 of 2020 dated 09.10.2020 and complete the same and file a final report within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that the first respondent is directed to monitor the investigation done by the third respondent and ensure that the third respondent is complying with the direction issued by this Court.

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

Sd/-

Assistant Registrar (CS-II)

// 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 Judicial Magistrate, Tenkasi.

2. The Superintendent of Police,
Tenkasi,
Tenkasi District.

<https://hcservices.ecourts.gov.in/hcservices/>



3. The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.

4. The Sub-Inspector of Police,
Tenkasi Police Station,
Tirunelveli District.

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

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-7918[F] dated 22/02/2022)

CrI.O.P(MD) .No.12738 of 2021

21.02.2022

RD(17.03.2022) 3P 7C