



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Sixth day of July Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL MP(MD) No.8519 of 2022
in
CRL OP(MD)No. 10382 of 2022

G.KARIKOLRAJ ... PETITIONER/PROPOSED 5th RESPONDENT
Vs

1 T.SEKARAN ...1st RESPONDENT/PETITIONER

2 THE ADDITIONAL DIRECTOR GENERAL OF POLICE,
LAW AND ORDER, DR. RADHAKRISHNAN SALAI,
CHENNAI.

2 THE SUPERINTENDENT OF POLICE
MADURAI DISTRICT.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
CB-CID, MADURAI DIVISION,
MADURAI.

4 THE INSPECTOR OF POLICE
NAGAMALAI PUDUKOTTAI POLICE STATION,
MADURAI. ... RESPONDENTS 2 TO 5/ RESPONDENTS 1 TO 4

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to permit the Petitioner/Proposed 5th Respondent to be impleaded as 5th Respondent in the above Crl.OP.(MD).No.10382 of 2022.

Prayer in CRL OP(MD) . 10382/ 2022 :

To withdraw and transfer the case in Crime No. 428 of 2015 on the file of the 4th Respondent and transfer the same to any other agency or the 3rd Respondent herein.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.B.SARAVANAN, Advocate for the petitioner and of MR.K.P.S.PALANIVEL RAJAN, Advocate on behalf of the 1st Respondent and of MR.A.ALBERT JAMES, Government Advocate (Criminal Side) for the Respondents 2 to 5, the court made the following order:-



This Petition has been filed by the petitioner to perm: to be impleaded as 5th respondent in Crl.O.P(MD) No.10382 of 2022.

2. The learned counsel for the petitioner submitted that the petitioner is an accused in Crime No.428 of 2015 on the file of the 5th respondent in this petition. Now, the defacto complainant has filed this Criminal Original Petition to transfer the investigation from the file of the 4th respondent to some other agency or 3rd respondent.

3. The contents of the petitioner counsel in para No.11 of the affidavit are that the defacto complainant made allegation against the accused that they are politically influenced and as such, they have managed to prevent the 4th respondent to investigate the matter in a proper way. Hence, he wants to implead him as 5th respondent in the main Criminal Original Petition.

4. I have considered the submission made by the learned counsel for the petitioner.

5. Admittedly, the petitioner is an accused in Crime No.428 of 2015 on the file of the 4th respondent. The accused has no right to choose the Investigating Officer. Therefore, the petitioner is not a necessary party seeking to implead him as proposed party in the Criminal Original Petition filed by the defacto complaint. Hence, this Petition is dismissed.

6. Post the main Criminal Original Petition on 02.08.2022.

sd/-

26/07/2022

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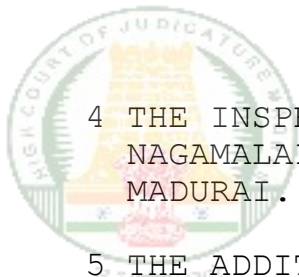
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE ADDITIONAL DIRECTOR GENERAL OF POLICE,
LAW AND ORDER, DR. RADHAKRISHNAN SALAI,
CHENNAI.

2 THE SUPERINTENDENT OF POLICE
MADURAI DISTRICT.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
CB-CID, MADURAI DIVISION,
MADURAI.



CRL MP(MD)



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4 THE INSPECTOR OF POLICE
NAGAMALAI PUDUKOTTAI POLICE STATION,
MADURAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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ORDER

IN

CRL MP(MD) No.8519 of 2022

in

CRL OP(MD) No. 10382 of 2022

Date :26/07/2022

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PKP/SVR/SAR-4/28.07.2022/3P/6C