



Crl.O.P.(MD) No.13486 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.13486 of 2022

Thasavatharam

...Petitioner

VS

**1. The Superintendent of Police
Thoothukudi District**

**2. The Deputy Superintendent of Police
Eral Sub Division
Thoothukudi District**

**3. The Inspector of Police
Alwarthirunagari Police Station
Thoothukudi District**

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the first Respondent to withdraw the case in Crime No. 58 of 2022 from the file of the third Respondent and transfer the case in Crime No. 58 of 2022 on the file of the third Respondent to the second Respondent.



Crl.O.P.(MD) No.13486 of 2022

For Petitioner : Mr.M.Maharaja
For Respondents : Mr.R. Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the first Respondent to withdraw the case in Crime No. 58 of 2022 from the file of the third Respondent and transfer the case in Crime No. 58 of 2022 on the file of the third Respondent to the second Respondent.

2. The learned Counsel for the Petitioner would submit that the occurrence took place on 09.03.2021. Immediately he had approached the third Respondent. The third Respondent had registered it only as CSR. Subsequently they had not conducted fair investigation. Therefore he had approached the Judicial Magistrate under Section 156(3) Cr.P.C seeking direction from the learned Magistrate to register First Information Report. The learned Counsel for the Petitioner also produced CCTV footages before the learned Magistrate based on which the learned Magistrate had issued direction to the third Respondent to register the case. Accordingly First



Crl.O.P.(MD) No.13486 of 2022

Information Report in Crime No.58 of 2022 was registered on 10.05.2022.

It is the further submission of the learned Counsel for the Petitioner that even after registration of the First Information Report, the Petitioner had approached the third Respondent, till date there is no development. Therefore he has filed this petition for transfer of investigation from the file of the third Respondent to the second Respondent.

3. The learned Additional Public Prosecutor would submit that the Respondent police has filed final report before the learned Judicial Magistrate No.II, Srivaikundam and the learned Magistrate had taken cognizance of the offence and taken the case on file in CC No.583 of 2022.

4. By way of reply, the learned Counsel for the Petitioner would submit that only after filing this petition, the third Respondent had filed the final report.

5. Since charge sheet had been filed, the Criminal Original Petition is closed with liberty to the Petitioner to approach this Court for appropriate relief and also the learned Judicial Magistrate No.II, Srivaikundam is



Crl.O.P.(MD) No.13486 of 2022

directed to dispose the case in C.C. No.583 of 2022 considering the status of the victim.

14.11.2022

Internet: Yes./No

Index: Yes/no

aav

To

1. The Judicial Magistrate No.II, Srivaikundam
2. The Superintendent of Police
Thoothukudi District
3. The Deputy Superintendent of Police
Eral Sub Division
Thoothukudi District
4. The Inspector of Police
Alwarthirunagari Police Station
Thoothukudi District
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.13486 of 2022

SATHI KUMAR SUKUMARA KURUP, J.

aav

CRL.O.P (MD) No.13486 of 2022

14.11.2022