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Crl.O.P.(MD) No.19240 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2022

CORAM

THE HON'BLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

CRL.O.P(MD)No.19240 of 2022

R.Athimoolam

...Petitioner

-VS-

1.The Superintendant of Police,
Virudhunagar District, Virudhunagar.

2.The Deputy Superintendant of Police,
District Crime Branch,
Virudhunagar, Virudhunagar District.

3.The Inspector of Police,
District Crime Branch,
Virudhunagar, Virudhunagar District.

4.The Inspector of Police,
Central Bureau of Investigation,
No.73, Athikulam Main Road,
Ramnad Reserve Line, Madurai -625 007.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to entrust the investigation to the fourth Respondent from the third Respondent and to expedite the enquiry based on the latest complaint of the Petitioner, dated 03.09.2022 and to take necessary in action accordance with law.

For Petitioner
For R1to R3

: Mr.R.Murugan
: Mr.R.Suresh Kumar
Government Advocate (Crl.side)



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ORDER

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This Criminal Original Petition has been filed to entrust the investigation to the fourth Respondent from the third Respondent and to expedite the enquiry based on the latest complaint of the Petitioner, dated 03.09.2022 and to take necessary in action accordance with law.

2.Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.side) appearing for the Respondents 1 to 3.

3.The learned Government Advocate (Crl.side) submitted that in the typed set furnished by the Petitioner himself, the earlier Petition filed by him and the order passed by this Court had been stated. Crl.O.P.(MD)No.9308 of 2022 was filed by the Petitioner herein to entrust the investigation to some other agency. That Petition was disposed of by this Court, by order, dated 19.05.2022 with the following direction:

"5.Since the complaint given by the petitioner was enquired into and closed, the petitioner is directed to give a fresh complaint along with all necessary documents within a period of one week from the date of receipt of a copy of this order to the Inspector of Police, District Crime Branch, Virudhunagar District. On receiving such complaint, the new investigation office is directed to complete the investigation within a period of eight weeks thereafter. Both the



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petitioner as well as the fourth respondent are directed to co-operate for the investigation."

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4.Further, the learned Government Advocate (Crl.side) submitted that the second Petition was filed by the Petitioner herein in Crl.O.P.(MD)No.14514 of 2022, which was also disposed of by this Court, by order, dated 12.08.2022, in which this Court has passed the following order:

"2.When the matter is taken up for hearing, the learned Government Advocate (Crl.Side) submitted that earlier, the petitioner lodged a complaint against the accused person and the same was closed. Subsequently, he approached this Court by filing a petition in Crl.O.P(MD)No.9308 of 2022. This Court, by order dated 19.05.2022, directed the petitioner to give a fresh complaint to the Inspector of Police, District Crime Branch, Virudhunagar District. The petitioner also lodged a fresh complaint to the third respondent herein, on 17.06.2022. On receiving the same, the third respondent herein issued summons to the parties to appear before the respondent police on 16.08.2022, for enquiry.

3.Recording the same, the third respondent is directed to investigate the case based on the petitioner's fresh complaint and complete the enquiry, within a period of four weeks, from the date of receipt of a copy of this order."

5.Now, the third Petition had been filed. It is the contention of the learned Government Advocate (Crl.side) that enquiry had been conducted and since the Petitioner had not produced relevant documents to proceed further, the enquiry was closed.



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6.In the light of the submission made by the learned Government Advocate (Crl.side), the Petitioner is directed to file private complaint before the Court of learned Judicial Magistrate concerned and exhaust his remedy available as per law. Accordingly, this Petition is closed.

09.11.2022

Index:Yes/No

cmr

To

- 1.The Superintendant of Police,
Virudhunagar District, Virudhunagar.
- 2.The Deputy Superintendant of Police,
District Crime Branch,
Virudhunagar, Virudhunagar District.
- 3.The Inspector of Police,
District Crime Branch,
Virudhunagar, Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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