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Crl.O.P.No.4436 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.06.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.4436 of 2023

Rajalakshmi

...Petitioner

Vs.

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.
2. The Inspector of Police,
Muthandikuppam Police Station,
Cuddalore District.
(Crime No.364 of 2022)
3. The Inspector of Police,
CBCID,
Cuddalore District,
Cuddalore.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to issue a direction directing the first respondent to transfer the investigation in Crime No.364 of 2022 from the file of the second respondent to third respondent herein or to any other independent investigating agency pursuant to the petitioner's representation dated 09.01.2023.

For Petitioner : Mr.C.V.Ilangovan



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For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal side)

ORDER

This Criminal Original Petition has been filed directing the first respondent to transfer the investigation in Crime No.364 of 2022 from the file of the second respondent to third respondent herein or to any other independent investigating agency pursuant to the petitioner's representation dated 09.01.2023.

2. The learned counsel for the petitioner submits that the defacto complainant, now the victim named Gnanaselvam was indiscriminately attacked by the accused in this case and as a result, he sustained head injuries and other injuries and he succumbed to injuries on 30.11.2022. The respondent Police have not arrested all the accused and filed a final report.

3. When the matter is taken up today, the learned Government Advocate (Criminal side) submitted that the investigation in this case has been completed and final report was filed against three accused namely (i) Ukkaravel, (ii) Anandhi and (iii) Rayar Pillai for the offences under Sections 294(b), 323, 506(2) and 302 of IPC. The case has been taken on file in S.C.No.85 of 2023 on the file of the



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District Court, Cuddalore.

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4. In view of the filing of final report and the case has been taken on file in S.C.No.85 of 2023 on the file of the District Court, Cuddalore, this Court is of the view that the petition seeking transfer of investigation cannot be entertained.

5. Accordingly, this Criminal Original Petition is dismissed giving liberty to the petitioner to challenge the final report, in the manner known to law.

13.06.2023

mn

Index: Yes/No

Speaking Order: Yes/No

G.CHANDRASEKHARAN.J.,



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To

1. The District Court, Cuddalore.
2. The Superintendent of Police,
Cuddalore District,
Cuddalore.
3. The Inspector of Police,
Muthandikuppam Police Station,
Cuddalore District.
4. The Inspector of Police,
CBCID,
Cuddalore District,
Cuddalore.
5. The Public Prosecutor,
High Court of Madras.

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