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Crl.O.P.No.5080 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5080 of 2023

P.Jessie

... Petitioner

Vs.

1.The Commissioner of Police,
O/o. Greater Chennai Police Commissioner,
Vepery,
Chennai 600 007.

2.The Deputy Commissioner of Police,
Kilpauk,
Chennai – 600 010.

3.The Inspector of Police,
G5, Secretariat Colony Police Station,
Secretariat Colony,
Kilpauk, Chennai – 600 010.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 1st respondent to issue appropriate orders to transfer the case file relating to Crime No.2 of 2023 pending on the file of G-5, Secretariat Colony Police Station (3rd Respondent) to some other competent authority to investigate in to the offence and to file final report in the appropriate court of law.

For Petitioner : Mr.M.Gnanasekar



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For Respondents : Mr.S.Santhosh
Government Advocate (Crl. Side)

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ORDER

This Criminal Original Petition has been filed to direct the 1st respondent to issue appropriate orders to transfer the case file relating to Crime No.2 of 2023 pending on the file of G-5, Secretariat Colony Police Station (3rd Respondent) to some other competent authority to investigate in to the offence and to file final report.

2. Learned counsel for the petitioner submitted that there is a property dispute with his brother. In the said dispute, petitioner was brutally attacked by his brother's wife Violet Mary and her brothers, on his head, face and chest. As a result, he suffered serious injuries. However, respondent police has registered the First Information Report only for the offences under Sections 341, 294(b), 324 and 506(2) of IPC. Since, no proper investigation is done in this case, this petition is filed for transferring investigation.

3. In response, learned Government Advocate (Crl.side) submitted that First Information Report was registered on 01.01.2023. Out of 4 accused, 3 accused were arrested and remanded to judicial custody. Later they were also granted bail by the court. One accused was granted anticipatory bail. Respondent police is properly investigating the case. At the time of filing



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final report, the nature of the allegations and the injuries suffered by the victim would be considered for filing appropriate final report.

4. In light of the submission made by the learned Government Advocate (Crl.side) and also the undertaking given by him that final report will be filed under appropriate provisions of law considering the nature of the allegations and the injuries suffered by the victim, weapons used etc., this Court finds that there is no need to order transfer of investigation in this case.

5. Accordingly, this Criminal Original Petition is dismissed giving direction to file final report within a period of three months from the date of receipt of copy of this order.

06.03.2023

Internet: Yes
Index: Yes/No

mpl

To:

1. The Commissioner of Police,
O/o. Greater Chennai Police Commissioner,
Vepery,
Chennai 600 007.

2. The Deputy Commissioner of Police,
Kilpauk,

3/5



Chennai – 600 010.

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G.CHANDRASEKHARAN, J.
mpl

3.The Inspector of Police,
G5, Secretariat Colony Police Station,
Secretariat Colony,
Kilpauk, Chennai – 600 010.

4.The Public Prosecutor,
High Court of Madras.

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