



Crl.O.P.No.23519 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.23519 of 2022

S.Sathyanathan

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by the Superintendent of Police
Ranipet,
Ranipet district.
2. The Deputy Superintendent of Police
Ranipet
Ranipet district.
3. The Inspector of Police
Timiri-632 512
Ranipet District.

... Respondents

This Criminal Original Petition is filed under Section 482 Cr.P.C. to direct the 1st respondent Superintendent of Police to transfer the



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investigation of the petitioner's complaint dated 05.09.2022 to some other Police Officer.

For Petitioner : Mr.S.Arunkumar
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed for a direction of transfer the complaint that is pending on the file of the 3rd respondent for investigation before any other police.

2. Heard Mr.S.Arunkumar, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondents.

3. In the considered view of this Court, there is no scope for transferring a complaint to a different investigating officer when admittedly no FIR has been registered till date. If the petitioner is aggrieved by the fact that the complaint makes out a cognizable offense and in spite of which no



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FIR has been registered, the petitioner has to necessarily work out his remedy under Section 156(3) of Cr.PC before the Competent court and seek for a direction. This position has been confirmed by the Hon'ble Division Bench in the case of [*G.Prabhakaran v. The Superintendent of Police, Thanjavur*] reported in (2018) 2 LW Crl 489.

4. This Criminal Original Petition is disposed of accordingly.

04.07.2023

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Index :Yes/No

Internet:Yes

Speaking Order/Non-speaking Order



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To

1. The State of Tamil Nadu
Rep. by the Superintendent of Police
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Ranipet district.
2. The Deputy Superintendent of Police
Ranipet
Ranipet district.
3. The Inspector of Police
Timiri-632 512
Ranipet District.
4. The Public Prosecutor,
Madras High Court,
Chennai.



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N.ANAND VENKATESH,J.

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