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CrI.O.P.No.23693 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.23693 of 2022

R.Arularasan

... Petitioner

Vs.

1. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

2. The Inspector of Police, (Law & Order)
Sivankanchi Police Station,
Kancheepuram, Kancheepuram District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation FIR in Crime No.629 of 2022 pending on the file of 2nd respondent police and transfer the same to CBCID or any other competent agency.

For Petitioner : Ms.T.Gnana Banu

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner/de-facto complainant in Crime No.629 of 2022 has filed this petition seeking transfer of investigation from the file of the 2nd respondent to CBCID.



2. The contention of the petitioner is that on 02.04.2022, the petitioner had lodged a complaint to the second respondent making specific allegations about one Alexander, who had threatened, abused and also assaulted his 93 old mother viz., Sarojini and also created forged and fabricated documents.

3. It is submitted by the learned counsel for the petitioner that the complaint was lodged on 02.04.2022 and on the same day, CSR.No.603 of 2022 has been assigned and the CSR has been returned as civil dispute, however, on the same day, the investigation report has been made ready. From the report, it is seen that there are five witnesses examined and 9 to 10 documents have been verified and thereafter, it has been found that the dispute is civil in nature, therefore, the parties are advised to approach the Civil Court.

4. It is evident that no such enquiry has been conducted as projected by the respondent and it is not possible to complete the enquiry by examining five witnesses and producing 10 documents. Further, it is submitted that the petitioner had approached the Judicial Magistrate – I and filed a complaint, which was forwarded under 156(3) Cr.P.C. in



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CrI.M.P.No.1489 of 2022 on 06.08.2022 and FIR has been registered in Crime No.629 of 2022. Thereafter, what had happened is not known and the respondent Police is relying upon earlier closure report dated 02.04.2022 and not taken further action. Hence, the petitioner has filed this petition.

5. Learned Additional Public Prosecutor submits that a preliminary enquiry on the complaint given by the petitioner was conducted and the CSR number has been assigned and thereafter, the petitioner had approached the Judicial Magistrate – I, Kancheepuram and filed a complaint, which was forwarded under Section 156(3) of Cr.P.C. On completion of investigation, it was found that it is a civil dispute and a closure report is ready and will be filed before the Judicial Magistrate -I, Kancheepuram and steps have been taken to send notice through Court. If the petitioner is aggrieved by the closure report to be filed by the respondents, the petitioner has to file a protest petition before the concerned Court.

6. Considering the submissions made by both sides, it is seen that the investigation completed and the closure report to be filed by the



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respondents before the Judicial Magistrate – I, Kancheepuram shortly.

After getting the closure report, if the petitioner files a protest petition, the same can be disposed of by the Judicial Magistrate – I, Kancheepuram on its own merits and in accordance with law.

With the above observations, this Criminal Original Petition is closed.

15.06.2023

Index: Yes/No
mp

To

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Kancheepuram.
2. The Inspector of Police, (Law & Order)
Sivankanchi Police Station,
Kancheepuram, Kancheepuram District.
3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

mp

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