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CrI.O.P.No.27189 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P.No.27189 of 2022

K.Meena, F/51 years
W/o.Kamaraj

... Petitioner

Vs.

1.The Commissioner of Police
Avadi, Chennai-54.

2.State Rep.by
Inspector of Police
T1, Ambattur Police Station
Ambattur, Chennai-53.
Cr.No.472 of 2022.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the investigation in Cr.No.472 of 2022, pending on the file of the 2nd respondent police to the CBCID police or any other investigation agency.

For Petitioner : Mr.T.Sundaravadanam

For Respondents : Mr.A.Gopinath
Govt. Advocate (CrI.side)

ORDER

This criminal original petition was filed seeking for transferring of investigation in Crime No.472 of 2022,pending on the file of the 2nd respondent to any other investigating agency.



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2. When the matter came up for hearing on 04.07.2023, this Court passed the following order:

The learned Government Advocate on instructions submitted that the petitioner is not co-operating for the investigation.

2. On the other hand, the learned counsel for the petitioner submitted that it is the petitioner who had set the law in motion and the 2nd respondent never called the petitioner for an enquiry.

3. The petitioner is directed to appear before the 2nd respondent on 07.07.2023 at 11.30 a.m. The 2nd respondent shall proceed further to record the statement of the petitioner. The status of the investigation shall also be informed to this Court during the next date of hearing.

4. Post this case under the caption 'For Passing Orders' on 25.07.2023.

3. When the matter was taken up for hearing, the learned counsel for the petitioner submitted that the petitioner appeared before the 2nd respondent on 07.7.2023 and her statement was also recorded.

4. The learned Government Advocate appearing on behalf of the respondents submitted that the investigation has been completed and a closure report is going to be filed before the Judicial Magistrate, Alandur. A copy of the closure report was also furnished to the Court.



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5. In the considered view of this Court, if a closure report is going to be filed as further action dropped, the RCS notice shall be served on the petitioner. It is left open to the petitioner to file a protest petition before the concerned Court and workout her remedy in accordance with law. The concerned Court has very wide jurisdiction to deal with the protest petition and if the Court is not satisfied with the closure report, it can disregard the closure report and take cognizance of the offence and issue summons to the accused person or the Court below can order for further investigation u/s 156(3) of Cr.PC or the Court can deal with the protest petition like a private complaint. When such wide discretion is available to the Court below, it is not necessary for this Court to transfer the investigation at this stage.

6. This criminal original petition is disposed of in the above terms.

25.07.2023

Internet: Yes
Index : Yes/No
Neutral Citation Case: Yes/No
KP

N. ANAND VENKATESH, J.



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KP

To

- 1.The Commissioner of Police
Avadi, Chennai-54.
- 2.State Rep.by
Inspector of Police
T1, Ambattur Police Station
Ambattur, Chennai-53.
3. Judicial Magistrate, Alandur.
- 4.The Public Prosecutor
High Court, Madras.

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