



WEB COPY

Crl.O.P.No.23884 of 2



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated : 20.10.2023

CORAM :

**THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN**

**Crl.O.P.No.23884 of 2023**

N.Harikrishnan

... Petitioner

-VS-

1.Commissioner of Police,  
Tambaram City, Tambaram.

2.Assistant Commissioner of Police,  
Selaiyur Range ACP Office,  
Selaiyur, Tambaram, Chennai- 600

3.Inspector of Police,  
S10, Pallikaranai Police Station,  
Pallikaranai, Chennai -100

...Respondents

**PRAYER :** Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to transfer the investigation from 3<sup>rd</sup> respondent in Crime No.707 of 2023 to the 2<sup>nd</sup> respondent or any other competent investigation officer as may be decided by this Court.

For Petitioner : Mr.G.Peranban

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



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## **ORDER**

This petition is filed to transfer the investigation in Crime No.707 of 2023 from 3<sup>rd</sup> respondent Police to any other competent Investigation Officer viz., under the Assistant Commissioner of Police, Selaiyur/R2.

2. The petitioner herein had an affair with one Divya, after their breakup had filed a complaint with Pallikaranai Police alleging that at the instigation of the said Divya, strangers have entered into his house on 09.04.2022, early morning 03.00 clock manhandled and threatened him to part away Rs.5 lakhs and also forced to extract money from him using his earlier communication in WhatsApp and other Social media.

3. This complaint was investigated by the Pallikaranai Police under C.S.R. No.1714 of 2022 and found to be an exaggerated complaint and not worth for investigation. The Investigation Officer has filed a closure report before the learned Judicial Magistrate and the same was received by the learned Judicial Magistrate, Alandur on 05.04.2023. Meanwhile, the petitioner herein had filed a complaint before the learned Judicial Magistrate No.II, Alandur in Crl.MP. No.424 of 2023 to register the case and investigate under Section



156(3) Cr.P.C. Since no action was taken by the 2<sup>nd</sup> respondent police, he has filed Crl.O.P. No.12084 of 2023, before this Court for a direction to register the FIR based on the order passed by the learned Judicial Magistrate No.II, Alandur dated 06.03.2023. This Court on 01.08.2023, closed the Original Petition after recording the fact that FIR has been registered in Crime No.707 of 2023 on 31.07.2023 for offences under Section 294(b), 448, 323 and 506(i) of IPC.

4. After investigation, the Inspector of Police, Pallikaranai had filed a closure report of FIR No.707 of 2023 on 08.08.2023, recording the entire facts and legal journey, the complaint filed by the petitioner regarding the incident occurred on 11.07.2022 which is a subject matter of C.S.R. No.1714 of 2022 and thereafter had closed the complaint as mistake of fact. It is also from the closure report, this Court finds that a case has been registered by Divya against this petitioner and others in All Women Police Station in Crime No.10 of 2022.

5. In the given circumstances, since the investigation has already been completed and final report has also filed as mistake of fact and though the respondent police states that RCS notice was served through post to the petitioner herein which is denied by the learned counsel for the petitioner, it is suffice to direct the respondent police to send a copy of the closure report to the



**Dr.G.JAYACHANDRAN, J.**

petitioner by registered post or serve it to him in person. On receipt of the closure report copy, it is open to the petitioner herein to proceed in accordance with law.

6. With the above direction, this Criminal Original Petition is disposed of.

**20.10.2023**

Index : Yes/No

Neutral Citation : Yes/No

rkp

To

- 1.Commissioner of Police,  
Tambaram City, Tambaram.
- 2.Assistant Commissioner of Police,  
Selaipur Range ACP Office,  
Selaipur, Tambaram, Chennai- 600
- 3.Inspector of Police,  
S10, Pallikaranai Police Station,  
Pallikaranai, Chennai -100
- 4.The Public Prosecutor,  
Madras High Court, Madras.

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