



Crl.O.P(MD)No.4638 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2023

CORAM:

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD)No.4638 of 2021

and

Crl.M.P(MD)No.2603 of 2021

Palanivel

.. Petitioner

Vs.

1. State represented by,
The Superintendent of Police,
Dindigul District.
Dindigul.
2. State represented by,
The Deputy Superintendent of Police,
Ottanchathiram.
Dindigul District.
3. State represented by
The Inspector of Police,
Ottanchathiram Police Station,
Dindigul District.
In Cr.No.1593 of 2020.
4. State represented by
The Inspector of Police,



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C.B.C.I.D.

Dindigul,

Dindigul District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation in Crime No. 1593 of 2020 dated 16.07.2020 pending on the file of the 3rd respondent to the 4th Respondent or any other competent authority on the basis of the petitioner's representation dated 11.01.2021.

For Petitioner : Mr.P.Krishnasamy

For Respondents : Mr.M.Muthumanikkam,
Government Advocate(Criminal Side)

ORDER

The defacto complainant in Crime No.1593 of 2020 filed this petition to transfer the investigation from the 3rd respondent to the 4th respondent. In the complaint, it is stated that Sri Saravana Saw Mill in Ottanchathiram, the first accused under force and threat, obtained the pro-note and also created the number of documents using the signature in the blank paper and also trespassed the Mill and caused damages to the machineries in the Mill as well as the petitioner and his parents and



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workers and hence he made a complaint to the respondent police. The same was registered by the respondent police for the alleged offence under Sections 147, 148, 448, 468, 427 , 294(b), 506(ii) and 420 IPC. Without being satisfied with the course of investigation conducted by the 3rd respondent police, which was conducted in biased and unfair manner. he filed this transfer petition stating same allegation against the investigation officers.

2. When this case was taken up for hearing today, the learned Government Advocate (Criminal side) submitted that the investigation was completed and the investigation agency closed the case as 'mistake of fact' and the same was intimated to the petitioner. Since the petitioner refused to receive the negative report, the same was pasted on the door of the petitioner's house in the presence of the responsible witnesses. The negative report was filed before the learned Judicial Magistrate, Ottanchathiram and the same was taken by the learned Judicial Magistrate and the learned Judicial Magistrate issued notice to the petitioner/defacto compliant and inspite of the receipt of notice, he did not appear before the



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learned Judicial Magistrate.

3. Recording the above said submission made by the learned Government Advocate (Criminal Side), this Court passes the following order:

“This court directs the petitioner/defacto complainant to appear before the learned Judicial Magistrate and agitate his grievance by filing either protest petition or petition for further investigation. If the petitioner files any such petition, the learned Judicial Magistrate, Ottanchathiram, is directed to entertain the petition and dispose of the same in accordance with law without raising any query regarding the maintainability.”

4. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

26.04.2023

Internet: Yes/No
Index : Yes/No
PJL

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To

1. The Judicial Magistrate,
Ottanchathiram.
2. The Superintendent of Police,
Dindigul District.
Dindigul.
3. The Deputy Superintendent of Police,
Ottanchathiram.
Dindigul District.
4. The Inspector of Police,
Ottanchathiram Police Station,
Dindigul District.
5. The Inspector of Police,
C.B.C.I.D.
Dindigul,
Dindigul District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.

PJL

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and
CrI.M.P(MD)No.2603 of 2021

26.04.2023