



Crl.O.P.(MD).No.5498 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE P.DHANABAL

Crl.O.P.(MD).No.5498 of 2021

R.Francis

... Petitioner

Vs.

- 1.The Superintendent of Police,
O/o. The Superintendent of Police,
Kanyakumari District.
- 2.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Thukalay,
Kanyakumari District.
- 3.The Inspector of Police
Marthandam Police Station,
Kanyakumari District.
- 4.The Inspector of Police,
CBCID,
No.7C, Kuriniji Street,
Raman Pudhur,
Nagercoil,
Kanyakumari District.

..Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to transfer the investigation of the case in Crime Nos.43 of 2021 and 44 of 2021 on the file of the third respondent to the 4th



Crl.O.P.(MD).No.5498 of 2021

respondent.

For Petitioner : Mr.Niranjana S.Kumar
For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.)

ORDER

When the matter is taken up for hearing today, the learned counsel appearing for the petitioner submitted that already so many complaints were given by the petitioner and the same was not considered by the respondent police and thereafter, lastly filed FIR in Crime No.43 of 2021. Even in that FIR, the investigation has not been conducted in proper manner and the records submitted by the petitioner during the investigation, has not been considered by the respondent police. Therefore, the investigation has to be transferred to some other agency.

2.The learned Government Advocate appearing for the respondents would contend that the investigation was completed and charge sheet also filed for the offence under Sections 307, 147, 148, 294(b), 323, 324, 427, 448, 105, 149 and 506(ii) of IPC. The same was taken on file as P.R.C.No.33 of 2023 on the file of the learned Judicial Magistrate, Kuzhithurai. Apart from that, a counter case was also registered against this petitioner. In that case also, charge sheet was filed and taken on file in C.C.No.21 of 2023 before the learned



Crl.O.P.(MD).No.5498 of 2021

Judicial Magistrate, Kuzhithurai. Since already investigation has been completed and charge sheet is filed, the question of transfer of investigation would not arise. The petitioner's contention is that the respondent police have not conducted the investigation in a fair manner in respect of Crime Nos.43 of 2021 and 44 of 2021 on the file of the first respondent but already the respondent police have completed the investigation and filed charge sheet in both the cases. Therefore, as rightly contended by the learned Government Advocate, the question of transfer of investigation would not arise as already investigation was completed and taken cognizance by the concerned Court. It is admitted fact that FIRs have been registered against the petitioner's party and opposite party and these are case and case in counter. Since there are case and case in counter, the trial Court has to follow the procedures laid down in *Nathilal and others v. State of U.P and another* reported in *1990 Supp Supreme Court Cases 145*. The trial Court also expedite the trial proceedings without giving long adjournment as early as possible within a period of six months from the date of receipt of copy of this order.

3.In view of the above, this Criminal Original Petition is disposed of.

14.09.2023

NCC : Yes /No
Index : Yes / No
Internet : Yes / No



WEB COPY



Crl.O.P.(MD).No.5498 of 2021

P.DHANABAL, J.

Mrn

To

- 1.The Superintendent of Police,
O/o. The Superintendent of Police,
Kanyakumari District.
- 2.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Thukalay,
Kanyakumari District.
- 3.The Inspector of Police
Marthandam Police Station,
Kanyakumari District.
- 4.The Inspector of Police,
CBCID,
No.7C, Kuriniji Street,
Raman Pudhur,
Nagercoil,
Kanyakumari District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD).No.5498 of 2021

14.09.2023