



WEB COPY



Crl.O.P.(MD)No.7269 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.06.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.7269 of 2023

B.Ramsal Banu

...Petitioner

Vs.

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

... 1st Respondent

2.The Deputy Superintendent of Police,
Tenkasi Division,
Tenkasi District.

... 2nd Respondent

3. The Inspector of Police,
Kutralam Police Station,
Tenkasi District.

...3rd Respondent

4. Mishriya

...4th Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the 1st Respondent to withdraw the investigation of the case in Crime No.446 of 2021 on the file of 3rd Respondent and transfer the same to any other appropriate investigation officer to conduct fair enquiry and free investigation.



Crl.O.P.(MD)No.7269 of 2023

For Petitioner : Mr.R.Chandrasubramanian

For Respondents : Mr.B.Nambiselvan for R1 to R3
Additional Public Prosecutor

No appearance for R4

ORDER

This criminal original petition seeking direction to the 1st Respondent to withdraw the investigation of the case in Crime No.446 of 2021 on the file of 3rd Respondent and transfer the same to any other appropriate investigation officer to conduct fair enquiry and free investigation.

2.Even though the fourth respondent has been served none appears on behalf of him.

3.The grievance of the petitioner is that it is a case in counter case. So far complaint given by this petitioner is concerned, it has been closed as Mistake of Fact. So far as complaint given by the counter party, investigation is still pending. If any counter complaint is filed both the complaints must be investigated joint together. But in this case it is not done so.



Crl.O.P.(MD)No.7269 of 2023

4. Therefore, there shall be a direction to the 3rd respondent to reopen the complaint given by the petitioner. Both the matters must be investigated as per Rules. Therefore, the investigation on the complaint given by the petitioner as well as the counter complaint given against the petitioner are transferred to the Inspector of Police, Tenkasi Police station. Let the entire files in both the matters be handed over to the Inspector of Police, Tenkasi Police Station immediately. Let the Inspector of Police, Tenkasi Police Station take up the investigation immediately and complete the investigation as per the procedure and file the final report within a period of three months from the date of receipt of the files. Let the Superintendent of Police, first respondent monitor the same.

5. With the above said directions, this criminal original petition stands disposed of.

26.06.2023

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



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To

- 1.The Superintendent of Police,
Tenkasi District,
Tenkasi.
- 2.The Deputy Superintendent of Police,
Tenkasi Division,
Tenkasi District.
3. The Inspector of Police,
Kutralam Police Station,
Tenkasi District.
- 4.The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

TM

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