



Crl.O.P.(MD) No.7790 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD) No.7790 of 2023

Loganand

... Petitioner

Vs.

1.The Superintendent of Police,
O/o. the Superintendent of Police,
Karur, Karur District.

2.The Inspector of Police,
Aravakuruchi Police Station,
Karur, Karur District.

3.The Inspector of Police,
District Crime Branch Police Station,
Karur,
Karur District.

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, To direct the 1st respondent to withdraw the investigation of the FIR in Crime No.58 of 2023 from the file of the 2nd respondent to transfer the same to the 3rd respondent or any other competent and suitable investigation officer and to conduct unbiased reinvestigation.



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For Petitioner : Mr.D.Anand Kumar

For Respondents : Mr.SS.Madhavan
Government Advocate (Crl.side)

ORDER

This petition is filed seeking transfer of investigation in Crime No.58 of 2023 from the file of the respondent No.2 police to the file of respondent No.3 police.

2.It is submitted by the learned counsel for the petitioner that the petitioner has approached this Court vide Crl.O.P.(MD) No.5470 of 2023 for a direction to transfer the investigation from the file of the respondent No.1 police to any other competent authority suspecting that there is no proper investigation. However, during the enquiry of the petition, it was reported that the accused were served with summons under 41(A) Cr.P.C., Basing on that, the said petition was disposed of on 24.03.2023 directing the petitioner to wait until completion of the investigation.



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3.It is submitted further that soon after the disposal of the said application on 24.03.2023, the respondent police have completed the investigation and filed the closure report on 26.03.2023. It is submitted that the respondent police within a short time of two days, without any investigation have closed the case deliberately, thereby sought for direction for reinvestigation.

4.The learned counsel for the petitioner submits that soon after the receipt of the RCS notice, the petitioner has filed an application for certified copy of the closure report. However, it was returned by the Court stating that it has not been received and no such report is filed by the police.

5.The learned Government Advocate (Crl.side) submits that the police have followed the procedure and served the copy of the RCS notice to the petitioner/defacto complainant. Once the RCS notice is served, the petitioner is expected to approach the concerned Magistrate Court and file a protest petition challenging the closure report.



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6.Considering the circumstances, this Petition is disposed of directing the petitioner to approach the concerned Court and file a protest petition and on filing the protest petition, the learned Judge concerned is directed to entertain and dispose of the same as per law by issuing notice to all the parties concerned as quickly as possible, not later than 2 months from the date of filing of the protest petition.

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

31.07.2023

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To

- 1.The Superintendent of Police,
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- 2.The Inspector of Police,
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Karur, Karur District.
- 3.The Inspector of Police,
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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

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