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CrI.O.P.(MD)No.14573 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.08.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

CrI.O.P.(MD) No.14573 of 2023

P.Krishnan

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The Inspector of Police,
Cyber Crime Police,
Kanyakumari District,
Nagercoil.

3.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

4.The Sub-Inspector of Police,
South Thamaraikulam Police Station,
Kanyakumari District.
Crime No.65 of 2022.

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to issue a direction to transfer the investigation of Crime No.65 of 2022 from the file of the fourth respondent to the second respondent for further investigation within the time stipulated by this Court.



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For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mr.S.S.Madhavan
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking for a direction to the respondents Police to transfer the investigation in Crime No.65 of 2022 from the file of the fourth respondent to the second respondent.

2. According to the learned counsel appearing for the petitioner, even though a case has been registered in Crime No.65 of 2022 for the offence punishable under Sections 294(b) and 506(1) IPC on the complaint given by the petitioner, there is no substantial progress in the investigation. Further, it is submitted that as per the complaint, Sections 66(A) and 67 of the Information Technology Act are applicable which are to be tried by the Police Officer not below the rank of Inspector as per Section 78 of the said Act. In this case, the Sub-Inspector is investigating the case.



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3. The learned Government Advocate (criminal side) appearing for the official respondents, on the other hand, submits that the investigation in this case has already been completed and 11 witnesses were examined and after that, the final report was filed closing the crime as mistake of fact on 30.09.2022. It is submitted further that the petitioner herein was served a RCS notice on 07.08.2023, however, on the very same day, the petitioner came to the Police Station and asked the Police to show the document on which he has signed acknowledging the receipt of RCS notice and when it was shown to the petitioner, the petitioner has destroyed the same, on which, a case was registered against the petitioner in Crime No.93 of 2023.

4. Since the crime which was requested to be transferred to the other Police Officer has already been closed as mistake of fact, no further orders can be passed in this case. However, the petitioner is at liberty to approach the appropriate Court in case he is aggrieved by the closure report.



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5. With these observations, this Criminal Original Petition is disposed of.

Index : Yes/No
Internet : Yes/No
ssb

21.08.2023

To

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Nagercoil.
- 2.The Inspector of Police,
Cyber Crime Police,
Kanyakumari District,
Nagercoil.
- 3.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
- 4.The Sub-Inspector of Police,
South Thamaraikulam Police Station,
Kanyakumari District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN. J.

ssb

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