



CrI.O.P.(MD) No.14115 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.08.2023**

CORAM:

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

CrI.O.P.(MD) No.14115 of 2023

Karthik

... Petitioner

Vs.

1.The Superintendent of Police,
Superintendent Office,
Thanjavur District.

2.The Deputy Superintendent of Police,
Thanjavur District.

3.The Inspector of Police,
District Crime Branch, Thanjavur District.

4.Vignesh

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to transfer the investigation of the petitioner's complaint dated 03.06.2023 pending before the 3rd respondent to any other competent officer or any other investigation agency as may be fixed by this Court.



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For Petitioner :Mr.R.Maheswaran

For R1 to R3 :Mr.S.S.Madhavan
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure seeking transfer of investigation of the petitioner's complaint dated 03.06.2023 pending before the respondent No.3 police to any other competent officer.

2.According to the learned counsel for the petitioner, the petitioner stated to have filed a complaint on 03.06.2023 against the proposed accused alleging that he has committed the offence of forgery, cheating etc., however, the police have not been taking any enquiry or investigation, thereby sought for transferring the investigation from the file of the respondent No.3 police to any other Investigating Agency.

3.It is to be noted that this petition is filed transfer of enquiry on the ground that the FIR has not been issued so far. If the petitioner is of the opinion that the proposed accused has committed the cognizable offence and if the police are not



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registering the FIR, the procedure is very much provided and established under Cr.P.C., wherein the petitioner is expected to approach the Superintendent of Police and if the Superintendent of Police does not respond to, he is expected to file a complaint under Section 200 Cr.P.C., requesting to take the case on file or refer the matter to the police under Section 156(3) Cr.P.C., Instead of following the said procedure, the petitioner has come forward and filed this application seeking transfer of so called investigation or enquiry.

4.Considering the circumstances, these kind of petitions shall not be entertained by this Court. Accordingly, this Petition is dismissed directing the petitioner to approach the learned Magistrate concerned or follow the procedure as contemplated under Cr.P.C.,

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

09.08.2023

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To

- 1.The Superintendent of Police,
Superintendent Office,
Thanjavur District.
- 2.The Deputy Superintendent of Police,
Thanjavur District.
- 3.The Inspector of Police,
District Crime Branch, Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

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