



CrI.O.P.(MD)No.17014 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2023

CORAM :

THE HONOURABLE **Mr. JUSTICE P.DHANABAL**

CrI.O.P.(MD)No.17014 of 2021

and

CrI.M.P.(MD)No.9214 of 2021

G.Naveen

... Petitioner

Vs.

1.The State rep.by
The Superintendent of Police,
Theni District, Theni.

2.The Inspector of Police,
Thenkarai Police Station,
Periyakulam,
Theni District.

3.The Sub Inspector of Police,
Thenkarai Police Station,
Periyakulam, Theni District.

4.The Inspector of Police,
CB-CID, Theni District,
Theni.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to transfer the investigation in Cr.No.501 of 2021 dated 11.08.2021 from the file of the second and third respondents to the file of the fourth respondent or to any other competent investigation agency on the basis of the petitioner's representation dated 15.09.2021.



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For Petitioner : Mr.R.Shankar Ganesh
For Respondents : Mr.R.M.Anbunithi,
Additional Public Prosecutor

ORDER

This criminal original petition has been filed to transfer the investigation in Cr.No.501 of 2021 dated 11.08.2021 from the file of the second and third respondents to the file of the fourth respondent or to any other competent investigation agency on the basis of the petitioner's representation dated 15.09.2021.

2.Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner would contend that based on the complaint given by the petitioner, FIR in Cr.No.501 of 2021 was registered. From the beginning of registration of case, the second and third respondents have not shown any interest in this case to investigate the matter in a proper manner and as per postmortem report, there are some injuries found on the body of the deceased and it creates serious doubt over the death of the deceased.

But the investigating agency have not investigated the case in a proper

<https://www.mhc.tn.gov.in/> manner and therefore, the investigation of the case in Cr.No.501 of 2021 has



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to be transferred to some other agency, to that effect, the petitioner also sent a representation dated 15.09.2021 and the same has not been considered by the authorities.

3.The learned Additional Public Prosecutor appearing for the respondents would contend that already the matter has been investigated and case has been closed and closure report also filed before the learned Judicial Magistrate, Periyakulam on 14.03.2022 and the same is pending. Since the matter has been seized by the learned Magistrate, transfer of investigation would not arise.

4.Heard both sides and perused the materials available in the records.

5.This is a case to transfer the investigation of Cr.No.501 of 2021 from the file of the second and third respondents to the file of the fourth respondent or any other agency. Since already the matter has been investigated and the same was closed by the investigating agency and now the matter is pending before the learned Judicial Magistrate, Periyakulam, at this stage, the petitioner can very well approach the learned Magistrate to workout his remedy. Since there is no any materials placed before this Court with regard to the investigation and closure report, this Court is not in a position to pass any orders. Therefore, the petitioner is at liberty to



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approach the learned Judicial Magistrate, Periyakulam to workout his remedy through proper application, in the manner known to law.

6.With the above observations and directions, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

13.09.2023

Index : Yes/No

Internet:Yes/No

gns



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Theni.
- 2.The Inspector of Police,
Thenkarai Police Station,
Periyakulam,
Theni District.
- 3.The Sub Inspector of Police,
Thenkarai Police Station,
Periyakulam,
Theni District.
- 4.The Inspector of Police,
CB-CID, Theni District,
Theni.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.,

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