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Crl.O.P.(MD)No.14579 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.08.2023**

CORAM:

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

Crl.O.P.(MD) No.14579 of 2023

A.Kalil Rahman

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thiruvadani Taluk,
Ramanathapuram District.

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the first respondent to pass suitable order for change of investigation of the petitioner's complaint dated 28.07.2023 from the file of the second respondent to some other agency within the period as stipulated by this Court.

For Petitioner : Mr.S.Atham Ali

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



ORDER

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This Criminal Original Petition is filed seeking for transfer of investigation in respect of a complaint dated 28.07.2023 given by the petitioner.

2. According to the petitioner, the petitioner has filed a complaint on 27.07.2023 before the Police making allegation against his sons and the Ex-President of Jamath, namely, Shajahan, but the Police have closed the same, on which, the petitioner filed one more complaint on 28.07.2023 and the same is not being enquired into and therefore, he sought for transfer of investigation.

3. The learned Government Advocate (criminal side) appearing for the official respondents, on the other hand, submits that his earlier application dated 03.07.2023 was enquired into as per the order of this Court in Crl.O.P(MD).No.12927 of 2023 on 19.07.2023 and during the course of enquiry, the petitioner himself came to the Police Station and has withdrawn the complaint stating that no such incident is happened, however, he filed a fresh complaint dated 28.07.2023 reflecting the incident in respect of which earlier complaint was closed.



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4. Considering the submissions made by both sides and on perusal of the records, it is clear that no enquiry is pending with the respondents.

Since no enquiry or investigation is pending in respect of the petition filed by the petitioner, no orders can be passed in respect of transfer of investigation from the respondents Police to the other Police. In case the petitioner is aggrieved by inaction of the respondents Police in not registering the case against the alleged offender, the petitioner is at liberty to approach the learned Magistrate.

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

Index : Yes/No
Internet : Yes/No
ssb

21.08.2023



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To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thiruvadani Taluk,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN. J.

ssb

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