



Crl.O.P.(MD) No.15051 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD) No.15051 of 2023

A.Karuppusamy

... Petitioner

Vs.

1.The Superintendent of Police,
Madurai District, Madurai.

2.The Inspector of Police,
Usilampatti Taluk Police Station,
Usilampatti, Madurai District.
Crime No.189 of 2023

3.The Inspector of Police,
CBCID, Madurai District.

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to withdraw the case in Cr.No.189/2023 dated 18.06.2023 on the file of the 2nd Respondent Police and transfer the same to the 3rd Respondent for proper investigation.

For Petitioner :Mr.A.Vadivel

For Respondents :Mr.S.S.Madhavan

Government Advocate (crl.side)



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ORDER

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure seeking transfer of investigation in Cr.No.189 of 2023 dated 18.06.2023 from the file of the respondent No.2 police to the file of respondent No.3.

2.When the matter was taken up for hearing, the learned Government Advocate (Crl.side) submits that the investigation in this case has already been completed and final report is filed on 19.08.2023. Once the investigation has already been completed, this petition, which is filed seeking transfer of investigation, becomes infructuous.

3.At this stage, the learned counsel for the petitioner submits that after filing of this petition, the respondent police are hurriedly filed the final report and submitted that the investigation done by the police is incorrect, thereby the investigation has to be entrusted to the CBCID.



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4.This petition is filed for transfer of investigation. However, the police in the meanwhile have completed the investigation and filed the charge sheet. It is very unfortunate that the petitioner without going through the final report filed by the police and without filing either protest petition under Section 173(8) Cr.P.C., before the learned Magistrate has been orally praying this Court for a direction to re-investigate the case by CBCID. There is no basis for the request of the petitioner. Unless the petitioner points out any lacuna in the investigation, the petitioner cannot seek further investigation. Accordingly, this Petition is dismissed.

5.However, the petitioner is at liberty to approach the learned Magistrate and file a protest petition by following due process of law. In case if the petitioner is not convinced with the outcome of the same proceedings, he can approach this Court appropriately.

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

29.08.2023

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Madurai District, Madurai.
- 2.The Inspector of Police,
Usilampatti Taluk Police Station,
Usilampatti, Madurai District.
- 3.The Inspector of Police,
CBCID, Madurai 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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