



CrI.O.P.(MD) No.17139 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

CrI.O.P.(MD) No.17139 of 2023

and

CrI.M.P(MD)No. 14581 of 2023

M.Thangaraj

.. Petitioner

Vs.

- 1.The Commissioner of Police,
O/o. The Commissioner of Police,
Madurai.
- 2.The Deputy Commissioner of Police (North),
O/o. The Commissioner of Police,
Madurai.
- 3.The Assistant Commissioner of Police,
O/o. The Assistant Commissioner of Police,
Tallakulam, Madurai.
- 4.The Inspector of Police,
South Gate Police Station,
Madurai District.
In Crime No.488 of 2021

.. Respondents



Crl.O.P.(MD) No.17139 of 2023

WEB COPY

PRAYER: Petition filed under Section 482 of Criminal Procedure Code to direct the 1st respondent to call for the records and set aside the charge sheet in C.C.No.1055 of 2023 on the file of the learned Judicial Magistrate No.IV, Madurai in Crime No.488 of 2021 and transfer the investigation and entrust further investigation herein to any other investigation officer not below the rank of Assistant Commissioner of Police within the jurisdiction of Madurai City under the direct supervision of the 1st respondent with a direction to conduct proper further investigation in the manner known to law and file complete final report within the time frame to be stipulated by this Court.

For Petitioner : Mr.S.Srikanth

For Respondents : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed to direct the 1st respondent to call for the records and set aside the charge sheet in C.C.No.1055 of 2023 on the file of the learned Judicial Magistrate No.IV, Madurai in Crime No.488 of 2021 and transfer the investigation and entrust further investigation herein to any other investigation officer not below the rank



CrI.O.P.(MD) No.17139 of 2023

of Assistant Commissioner of Police within the jurisdiction of Madurai City under the direct supervision of the 1st respondent with a direction to conduct proper further investigation in the manner known to law and file complete final report within the time frame to be stipulated by this Court.

2. The grievance of the petitioner is that, he gave a complaint against three persons but final report was filed implicating only one accused. Reading of the complaint shows that he has lodged a complaint against several persons who are known and unknown persons.

3. If it is so, he can very well file a protest petition before the trial Court. Without approaching the trial Court, he straightaway filed this petition seeking an order to set aside the cognizance and to issue direction for further investigation. Since such an efficacious remedy is available to the petitioner, he can first approach the trial Court and file a protest petition and get remedy there itself.



Crl.O.P.(MD) No.17139 of 2023

WEB COPY

4. With this observation, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition stands closed.

20.12.2023

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

pnn

To

- 1.The Commissioner of Police, O/o. The Commissioner of Police, Madurai.
- 2.The Deputy Commissioner of Police (North), O/o. The Commissioner of Police, Madurai.
- 3.The Assistant Commissioner of Police, O/o. The Assistant Commissioner of Police, Tallakulam, Madurai.
- 4.The Inspector of Police, South Gate Police Station, Madurai District. In Crime No.488 of 2021
- 5.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.O.P.(MD) No.17139 of 2023

G.ILANGOVA, J.

pnn

Crl.O.P.(MD) No.17139 of 2023

Dated : 20.12.2023