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Crl.O.P.(MD)No.23146 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD) No.23146 of 2023

and

Crl.M.P(MD) No.18014 of 2023

Kaliraj

... Petitioner/Defacto
Complainant

Vs.

1. The Superintendent of Police,
O/o.The Superintendent of Police,
Virudhunagar District.

2. The Deputy Superintendent of Police,
Srivilliputhur Sub Division,
Virudhunagar District.

3. The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District,
Crime No.527 of 2023.

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondent No.1 to transfer the investigation to some other competent officer other than 2nd respondent for conducting fair and impartial investigation in Crime Number 527/2023 on the file of the respondent No.3.

For Petitioners : Mr.Karunanidhi.R

For R1 and R2 : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)



ORDER

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This petition has been filed seeking to direct the respondent No.1 to transfer the investigation to some other competent officer other than 2nd respondent for conducting fair and impartial investigation in Crime Number 527 of 2023 on the file of the respondent No.3.

2. It is a case and counter case. On the basis of the complaint given by one Kaliraj, a case in crime No.527 of 2023 was registered against two persons for the offences punishable under Sections 294(b), 323, 506(i) IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (PoA) Act, 1989. The petitioner filed this petition seeking transfer of investigation on the ground that no proper investigation is undertaken by Deputy Superintendent of Police concerned, who is second respondent herein.

3. The learned Additional Public Prosecutor (Crl.Side) would submit that the counter case is also under investigation and it is taken up by the third respondent herein.

4. Since it is a case and counter case, both cases must be undertaken by the same officer.



5. Reading of the CD file does not indicate that no proper investigation is undertaken by the present Deputy Superintendent of Police concerned. Investigation is almost over.

6. Now the grievance of the petitioner is that the petitioner's statement is not recorded, inspite of his appearance several times before the respondents Police.

7. But reading of the CD file, the petitioner's statement is recorded. If the petitioner wants to give further statement, he can very well appear before the second respondent and give further statement.

8. Since it is a case and counter case, let both the matter be investigated by the second respondent herein and complete the same within a period of three months from the date of receipt of copy of this order.



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9. With the above said directions, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

21.12.2023

NCC :Yes/No

Index :Yes/No

Internet :Yes/No

Indu

To

1. The Superintendent of Police,
O/o.The Superintendent of Police,
Virudhunagar District.
2. The Deputy Superintendent of Police,
Srivilliputhur Sub Division,
Virudhunagar District.
3. The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District,
Crime No.527 of 2023.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

Indu

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