



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.3648 of 2024

Muthusamy

...Petitioner

Vs.

1.The Superintendent of Police,
Tiruppur District.

2.The Deputy Superintendent of Police,
Kangeyam,
Tiruppur District.

3.The Inspector of Police,
Kangeyam Police Station,
Tiruppur District.
(Crime No.614 of 2024)

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent to transfer the investigation in Crime No.614 of 2023 to some other independent and impartial investigation officer with further direction to monitor and expedite the investigation in the above Crime as per Rule 7 of the SC and ST rules 1995.

For Petitioner : Mr.R.Prabakar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This criminal original petition has been filed seeking for transfer of investigation in Crime No.614 of 2023 pending on the file of the 1st respondent to any other investigation agency.

2.When the matter was taken up for hearing, the learned Additional Public Prosecutor, on instructions, submitted that the investigation was completed and the final report was also filed before the Special Court at Tiruppur on 11.02.2024 and it has been taken on file in Spl.S.C.No.3 of 2024.

3.The main grievance that has been expressed by the petitioner who is seeking for transfer of investigation is that in the complaint, specific allegations were made as against one Minor Palanisamy and he was also added as A1 in the FIR registered in Crime No.614 of 2023. However, the name of this prime accused has been dropped and the investigation was proceeded with.

4.This Court went through the final report and it is seen that the name of Minor Palanisamy who was arrayed as A1 in the FIR has been dropped. However, while doing so, no notice was issued to the petitioner who is the



complainant in this case. If such notice had been issued, the petitioner would have atleast filed a protest petition by questioning the dropping of the name of the said Minor Palanisamy who was arrayed as A1 in the FIR.

5. In view of the fact that the final report has already been filed before the concerned Court and the concerned Court has taken cognizance of the same, it is left open to the petitioner to file a protest petition before the Special Court, Tiruppur questioning the dropping of the name of A1. The Special Court shall deal with the application on its own merits and in accordance with law and shall pass orders, within a period of four weeks from the date of filing of the protest petition by the petitioner.

6. This criminal original petition is disposed of in the above terms.

20.02.2024

Index: Yes/No
Speaking order/Non-speaking Order
Neutral Citation: Yes/No
ssr



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N.ANAND VENKATESH, J

SSR

To

- 1.The Superintendent of Police,
Tiruppur District.
- 2.The Deputy Superintendent of Police,
Kangeyam,
Tiruppur District.
- 3.The Inspector of Police,
Kangeyam Police Station,
Tiruppur District.
- 4.The Public Prosecutor,
High Court, Madras.

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