



WEB COPY



Crl.OP.Nos.9145 and 9815 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.Nos.9145 and 9815 of 2023

Jahufar Sadik

... Petitioner
(in both Crl.OPs)

Vs.

State rep by Inspector of Police,
Ambattur Estate Police Station,
Chennai.

...Respondent
(in both Crl.OPs)

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to transfer this proceedings pending in Cr.Nos.296 of 2022 and 105 of 2023 respectively on the file of the respondent police to some other competent agency.

For Petitioner : Mr.S.Suresh
(in both Crl.OPs)

For Respondents : Mr.S.Udayakumar
Government Advocate (Crl.Side)
(in both Crl.OPs)

COMMON ORDER

The petitioner herein being threatened by the accused in S.C.No.1 of 2015 pending on the file of the Principal Sessions Court, Thiruvallur,



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has lodged two complaints naming Nagoor Meeran as accused who is threatening him for being turned as an approver and he has been forced to turn hostile. Since no action taken on his complaint, two original petitions are filed for transfer of investigation in Cr.No.296 of 2022 on the file of the Ambattur Estate Police Station and in Cr.No.105 of 2023 on the file of the Ambattur Estate Police Station.

2. The learned Government Advocate (Crl.Side) appearing for the respondent police on instructions states that after enquiry Cr.No.296 of 2022 was closed as “ mistake of fact” and RCS Notice No.2 of 2023 dated 15.04.2023 was served to the petitioner herein. Similarly, Cr.No.105 of 2023 was closed as “ mistake of fact” on 02.03.2024 and RCS Notice issued to the petitioner herein. Therefore, there is no reason for transfer of investigation. If the respondent police has closed the complaint and RCS Notice was issued, it is open to the petitioner herein to file protest petition and proceed on his complaint.

3. However, this Court takes judicial notice of the fact that this petitioner and two others who have been turned as approvers in S.T.C.No.1 of 2015 pending on the file of Principal District and Sessions



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Court, Thiruvallur, apprehending danger in the hands of the accused persons and their henchmen particularly one Nagoor Meeran had sought for witness protection before the Principal Sessions Court and their applications are pending. The trial in this case is to be soon commenced and according to the learned Government Advocate (Crl.Side), case is now posted to 29.04.2024 for appearance of accused persons.

4. The status report indicates that for one reason or another, the trial been pending for more than nine years and now the approvers have approached this Court seeking protection under the Witness Protection Act.

5. The Court below therefore shall take note of these facts and expedite the trial and also dispose of the interim application at earliest.

6. With the above directions, these Criminal Original Petitions are disposed of.

Vv

26.04.2024



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To

WEB COPY

1. The Inspector of Police,
Ambattur Estate Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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