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Crl.OP.No.14988 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.14988 of 2024

Gopalappa

... Petitioner

Vs.

1. The State of Tamilnadu,
rep.by
Inspector of Police,
Bagalur Police Station,
Krishnagiri District.

2. The State of Tamilnadu,
rep by, Inspector of Police,
CBCID, Chennai.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to transfer the investigation in Cr.No.9 of 2024 on the file of the respondent police to the file of the CB-CID, Tamilnadu, Chennai, the 2nd respondent herein.

For Petitioner : Mr.R.Selvakumar

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)



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ORDER

WEB COPY The petitioner herein is the complainant in Cr.No.9 of 2024 dated 07.01.2024. The respondent police has registered the case for the offence under Sections 341 and 302 of IPC in connection with the death of one Muniraj, son of the petitioner. Mathu and Santhamma were named as suspected accused in the complaint.

2. The petitioner alleging that the investigation is not going in the right way and to cover up the real accused, the respondent has not proceeding with the investigation including the examination of the appropriate witnesses and therefore, the investigation has to be transferred to CBCID.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police on instructions from the Investigating Officer submits that though the complaint initially suspected Mathu and Santhamma, in the course of investigation, found that it was Mathu and one Vijayakumar are the culprits and therefore, both were arrested. After the completion of investigation, final report filed before the learned Judicial Magistrate-I,



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Hosur in C.No.20240004046 on 07.03.2024. He further submits that the informations now found in this petition were also probed into and final report is filed against the persons who really involved in the crime based on the materials collected. He further submits that more than five persons were involved in this crime. However, police has filed the final report only against the two persons.

4. This Court after perusing the FIR and new facts found in the petition to transfer the investigation as well as the submissions made by the learned Government Advocate (Crl.Side), is of the view that the final report having been filed, it is for the petitioner herein to move the trial Court, if not satisfied with the investigation and point out the lapse in the investigation, if any. It is for the trial Court to consider whether further investigation is required based on the records. The prosecution having been filed the final report, the petition for transfer of investigation does not arise. Hence, this Criminal Original Petition is dismissed.

26.06.2024

Vv



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To



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1. The Inspector of Police,
Bagalur Police Station,
Krishnagiri District.
2. The Inspector of Police,
CBCID, Chennai.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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