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Crl.O.P.No.17078 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.17078 of 2024

B.Kanagavel

... Petitioner

Vs.

1.The Commissioner of Police,
Tambaram Police Commissionerate Office,
Sholinganallur, Chennai-600 115.

2.The State Rep.by
The Inspector of Police (L&O),
T-5, Kundrathur Police Station,
Chennai-600 069.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the 1st respondent to transfer the investigation pending in Crime No.21 of 2024 on the file of the 2nd respondent to the Assistant Commissioner of Police to conduct the afresh enquiry in this case under the supervision of the Deputy Commissioner of Police till filing the final report.

For Petitioner : Mr.S.Suresh

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



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ORDER

The petitioner herein is the defacto complainant in Crime No.21 of 2024. The brother of the petitioner was attacked brutally and he succumbed to death after few days. Initially, a case was registered under Sections 294 b, 323, 324, 307 & 506(ii) IPC on 19.01.2024. Later altered to 302 IPC soon after the death of Kannan, the injured victim. The present petition is filed seeking transfer of investigation alleging that the police has not properly investigated and not secured the real culprit who are more than 10 in numbers.

2. This Court finds that in the FIR dated 19.01.2024 it is mentioned only as four persons and in fact yet another person by name Ashok has obtained anticipatory bail apprehending arrest. Out of 4 named persons, 3 already secured and one is still absconding.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the said absconding Saravanan will be secured soon and final report will be filed soon after securing the said Saravanan.



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4. In view of the above facts, this Court finds no lapse in the investigation to order transfer of investigation to some other agency.

Hence this Criminal Original Petition to transfer the investigation is dismissed.

22.07.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Commissioner of Police,
Tambaram Police Commissionerate Office,
Sholinganallur, Chennai-600 115.

2.The Inspector of Police (L&O),
T-5, Kundrathur Police Station,
Chennai-600 069.

3.The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

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