



CrI.O.P.No.20907 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

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

CrI.O.P.No.20907 of 2024

and

CrI.M.P.No.11999 of 2024

G.Sudeesh

... Petitioner

Vs.

1.The Assistant Commissioner of Police,
H8, Thiruvottiyur Police Station,
Thiruvottiyur,
Chennai-600 019.

2.The Inspector of Police,
H8, Thiruvottiyur Police Station,
Thiruvottiyur,
Chennai-600 019.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C./528 BNSS, pleaded to transfer the investigation of FIR No.2296 of 2021 from the H8, Thiruvottiyur Police Station, to CBCID for fair and impartial investigation.

For Petitioner : Mr.G.Sudeesh (P-in-P)

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

ORDER



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The petitioner, Mr.E.Sudeesh appeared in person to represent his petition seeking transfer of investigation in Crime No.2296 of 2021 from H8, Thiruvottiyur Police Station to CBCID for fair and impartial investigation.

2. According to the petitioner, it is a dispute between him and one Ramanujam and his family. Complaint and complaint in counter was registered by the respondent police in connection with the transaction occurred on 22.10.2020. The respondent police without proper investigation on the complaint given by the petitioner, has proceeded with the investigation on the counter complaint given by Ramanujam and has filed final report which has been taken on file by the Judicial Magistrate, Thiruvottiyur in C.C.No.51 of 2024. Whereas, his complaint, which was earlier closed, was again taken up for investigation pursuant to the direction given by the Magistrate on the protest petition filed by the petitioner. Despite the case and case in counter, investigation was not done in accordance with law. Hence the petitioner approached this Court by way of CrI.O.P.No.14882 of 2024 wherein, this Court has directed the respondent police to investigate the complaint of the petitioner and on completion of investigation take a decision in accordance with law for



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joint trial or simultaneous trial if necessary, in these two cases. The petitioner contents that in spite of specific direction of this Court, the Investigating Officer threatened to close his complaint. Therefore, he has lost faith in the integrity of the Investigating Officer. Hence this present application for transfer of investigation in Crime No.2269 of 2021 is filed.

3. It is to be noted that the investigation in FIR No.2269 of 2021 completed and closure report filed on 14.08.2024 after ascertaining that the petitioner herein is the aggressor and he has gone to the place of Ramanujam and attacked him and his wife. RCS notice received by the petitioner on 13.08.2024.

4. Considering the facts and records, the issue regarding case and case in counter been investigated by the respondent police and from his investigation, the respondent police has arrived at conclusion that the petitioner is the aggressor and therefore, on the complaint given by Ramanujam, final report been filed. It is also seen from the record that the complaint given by the petitioner which was registered in Crime No.2296 of 2021, been closed as 'Mistake of Facts' and the RCS notice



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served on the complainant/petitioner herein on 13.08.2024. As far as the Investigating Officer is concerned, he has completed his responsibility and filed final report in one complaint and RCS report in other complaint. It is now for the Magistrate to consider the material placed before him and proceed in accordance with law and as per the direction of this Court rendered ***Balaji Vs. State of Tamil Nadu***.

5. Therefore, the petitioner is hereby directed to work out his remedy before the Judicial Magistrate by following the direction of the full Bench of this Court rendered in the case of ***Balaji***. Hence this Criminal Original Petition is disposed of. Consequently, connected Criminal Miscellaneous Petition is closed.

29.08.2024

Neutral Citation : Yes/No
rpl

To

1.The Assistant Commissioner of Police,
H8, Thiruvottiyur Police Station,
Thiruvottiyur,
Chennai-600 019.



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2.The Inspector of Police,
H8,Thiruvottiyur Police Station,
Thiruvottiyur,
Chennai-600 019.

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

Dr.G.JAYACHANDRAN,J.

rpl



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