



WEB COPY



CrI.OP.No.28213 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.OP.No.28213 of 2023

Elayaraja

.. Petitioner

Vs.

1. Superintendent of Police,
Cuddalore District,
Cuddalore.

2. The Inspector of Police,
Virudhachalam Police Station,
Virudhachalam.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C to direct the 1st respondent to transfer the investigation in Cr.No.435 of 2023 on the file of the 2nd respondent and transfer the same to CBCID or CBI for further and proper investigation.

For Petitioner : Mr.R.Kannan

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

ORDER



Crl.OP.No.28213 of 2023

WEB COPY This Criminal Original Petition is filed to transfer the investigation in Cr.No.435 of 2023 dated 08.09.2023 on the ground that the Investigating Officer who is friendly with one Arul Kumar who is the prime perpetrator of the crime has not included the said Arul Kumar as an accused, inspite of adequate materials placed before him in course of recording the statement.

2. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the materials placed by the defacto complainant been considered and so far those materials are not adequate to include Arul Kumar in this case. However, the police is always open to receive evidence, if it is produced to the Investigating Officer and on such production of document and evidence, appropriate action will be taken. So far as the stage of investigation is concerned, it is stated that the ballistic report is awaited, as soon as the report is received, final report will be filed.

3. Considering the fact that the petitioner alleges that the statement



CrI.OP.No.28213 of 2023

of victim recorded not been considered by the Investigating Officer so far, it is suffice to direct the Investigating Officer to collect the said recorded statement of the witnesses and probe into the matter. If such statement probe any new fact and thereafter complete the investigation and file report.

4. As far as the request for the change of investigation to some other agency is concerned, this Court finds that no reason to suspect the investigation conducted so far, since the Investigating Officer has arrested 14 persons alleged to have been involved in this Crime and been probing the matter in a right direction.

5. In view of the above, this Criminal Original Petition is disposed of.

13.09.2024

Vv

To

1. The Superintendent of Police,



CrI.OP.No.28213 of 2023

Cuddalore District,
Cuddalore.

WEB COPY

2. The Inspector of Police,
Virudhachalam Police Station,
Virudhachalam.
3. The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN,J.



WEB COPY



CrI.OP.No.28213 of 2023

Vv

CrI.OP.No.28213 of 2023

13.09.2024