



Crl.O.P.(MD)No.2128 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.02.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD)No.2128 of 2024

G.Murugananthan

...Petitioner

Vs.

1. The Superintendent of Police,
Kanniyakumari District,
Nagercoil.

2. The Inspector of Police,
Anjugramam Police Station,
Kanniyakumari District.
(In Crime No.99 of 2023)

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to withdraw the investigation in Crime No.99 of 2023 from the file of the second Respondent and hand over the same to some other Police Officer not below the rank of Inspector of Police working under the first Respondent and further direct him to complete the investigation.

For Petitioner : Mr.L.George Paul Anto

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor



Crl.O.P.(MD)No.2128 of 2024

WEB COPY

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition seeking withdrawal of the investigation in Crime No. 99 of 2023 from the file of the second Respondent to any other Officer or agency.

2.The learned Additional Public Prosecutor on instructions from the Respondent Police submitted that the Petitioner is the accused in Crime No. 99 of 2023 pending on the file of the second Respondent. Also, he submitted that the investigation was already completed and laid the final report before the learned Judicial Magistrate III, Nagercoil through e-filing No.C-202300040CC dated 18.07.2023.

3.The prayer of the Petitioner cannot be entertained in the light of the reported ruling of the Hon'ble Supreme Court, wherein, it is clearly stated that the accused does not have the right to seek withdrawal of the investigation. It is the right vested in the de-facto complainant. Therefore, there is no merits in this case.



Crl.O.P.(MD)No.2128 of 2024

4. With the above said observation, this Criminal Original Petition is dismissed.

12.02.2024

Index : Yes/No

Internet: Yes/No

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To

1. The Superintendent of Police,
Kanniyakumari District.
Nagercoil.
2. The Inspector of Police,
Anjugramam Police Station,
Kanniyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.2128 of 2024

SATHI KUMAR SUKUMARA KURUP, J.,

jbr

Crl.O.P.(MD)No.2128 of 2024

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