



Crl.O.P.(MD)No.5419 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.5419 of 2022

I.Mohammed Sameer

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
Thilagar Thidal Police Station,
Madurai City, Madurai.
(Crime No.746 of 2018)

... Respondents

PRAYER:- Petition filed under Section 482 of Cr.P.C., to direct the first respondent to transfer the investigation of the case in Crime No.746 of 2018 dated 16.10.2018 on the file of the second respondent to some other impartial investigating agency.

For Petitioner : M/s.P.Yasmin Begum

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the first respondent to transfer the investigation of the case in Crime No.746 of 2018



Crl.O.P.(MD)No.5419 of 2022

dated 16.10.2018 on the file of the second respondent to some other impartial investigating agency.

2.The learned counsel for the petitioner would submit that the petitioner is the defacto complainant. The accused persons, by forging the signature of the petitioner and created a false document and posted it on the social media. Aggrieved by the same, the petitioner prepared a complaint before the learned Judicial Magistrate No.II, Madurai and based on the direction of the learned Judicial Magistrate, the respondent police registered a case in Crime No.746 of 2018 for the offences under Sections 465, 468 and 420 of IPC and thereafter, the respondent police has not conducted the investigation the matter in a proper manner. Hence, the petitioner has filed the present petition with the above said prayer.

3.The learned Additional Public Prosecutor appearing for the respondents would submit that during the pendency of the petition, the second respondent police have enquired the complaint and closed the same as 'Mistake of Fact'. Hence, nothing survives for further adjudication in this case.



Crl.O.P.(MD)No.5419 of 2022

4.At this juncture, the learned counsel for the petitioner would further submit that the respondents police have not filed a closure report before the trial Court.

5.In view of the above, the second respondent police is directed to file a closure report before the concerned Jurisdictional Magistrate within a period of one week from the date of receipt of a copy of this order.

6.With the above direction, this Criminal Original Petition is dismissed with liberty to the petitioner to workout his remedy in the manner known to law.

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
Sji

07.02.2024

To

- 1.The Commissioner of Police,
Madurai City, Madurai.
- 2.The Inspector of Police,
Thilagar Thidal Police Station,
Madurai City, Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD)No.5419 of 2022

M.DHANDAPANI, J.

Sji

CrI.O.P.(MD)No.5419 of 2022

07.02.2024