



CRL OP(MD). No.7664 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 05.02.2024

CORAM

The Hon`ble Mr.Justice M. DHANDAPANI

CRL OP(MD) No.7664 of 2022

V. Paramasivan

... Petitioner

Vs

1.The Superintendent of Police,
Kanyakumari District,
at Nagercoil.

2. The Inspector of Police,
Thiruvattar Police Station,
Thiruvattar,
Kanyakumari District.
Crime No.28 of 2020.

... Respondents

PRAYER :- Criminal Original Petition file under section 482 of Cr.P.C., to pleased to issue a direction, directing the 1st respondent to transfer the investigation of the case in Crime No.28 of 2020 dated 07.02.2020 from the file of the 2nd respondent to any other investigating agency under the supervision of the 1st respondent.

For Petitioner : M/s. K.Sivabalan

For Respondents : M/s. B.Nambiselvan

Additional Public Prosecutor



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ORDER

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This petition was filed for a direction to the 1st respondent to transfer the investigation of the case in Crime No.28 of 2020 dated 07.02.2020 from the file of the 2nd respondent to any other investigating agency under the supervision of the 1st respondent.

2.The case of the petitioner is that he is a jewelry shop owner. It is alleged that on 07.02.2020, the petitioner's shop was robbed and the gold jewels and silver articles worth about Rs.8 lakhs were found missing and hence, a complaint has been given. Since there is no action on the same by the respondent police, the petitioner is before this court.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

4.The learned Additional Public Prosecutor would submit that pursuant to the complaint given by the petitioner, investigation was conducted and eight witnesses were examined and the respondent police, on completion of investigation, filed a report as 'undetected'.



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5.The learned counsel for the petitioner, however, would submit that the filing of a report as 'undetected' is not permissible in law and therefore, seeks for a direction.

6. It is seen that on the complaint of the petitioner, the respondent police conducted investigation by examining the witnesses and subsequently filed a report as 'undetected'. If at all the petitioner is aggrieved by the report of the respondent police, he can very well challenge the said report in the manner known to law. With this liberty, this criminal original petition is dismissed.

05.02.2024

NCC : Yes/No

Index : Yes/No

RR

To

1.The Superintendent of Police,
Kanyakumari District,
at Nagercoil.

2. The Inspector of Police,
Thiruvattar Police Station,
Thiruvattar,
Kanyakumari District



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M.DHANDAPANI. J

RR

**ORDER
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