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Crl.O.P.(MD)No.13617 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.02.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.13617 of 2022

K.Murugesan

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai District.

2.The Inspector of Police,
(Law and Order),
Jaihindpuram Police Station,
Madurai District.
(Crime No.159 of 2022)

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the first respondent to transfer the investigation of the case in Crime No.159 of 2022, on the file of the second respondent Police to any other competent person and consequently direct him to file a final report before the concerned Court within the time stipulated by this Court.

For petitioner

: Mr.H.Mohamed Hussain

For Respondents

: Mr.P.Kottaichamy,
Government Advocate
(Criminal Side)



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ORDER

This petition has been filed seeking for a direction to the first respondent to transfer the investigation of the case in Crime No.159 of 2022, on the file of the second respondent Police to any other competent person and consequently direct him to file a final report before the concerned Court within the time stipulated by this Court.

2. The case of the prosecution is that the accused persons trespassed into the petitioner's property and attacked the petitioner with dire consequences. Hence, the petitioner made a complaint before the second respondent Police and the second respondent Police registered a case in Crime No.159 of 2022 for the alleged offence punishable under Sections 294(b), 341 and 506(ii) IPC. However, the respondent Police did not conduct the investigation in a proper manner. Therefore, the petitioner filed this petition to transfer the investigation from the second respondent to any other competent officer.

3. The learned counsel appearing for the petitioner would submit that subsequently the petitioner has filed a private complaint under Section 156(3) of Cr.P.C. before the learned Judicial Magistrate



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No.IV, Madurai, to register a criminal complaint against the accused persons and the learned Judicial Magistrate vide order dated 11.10.2021 directed the respondent Police to register a case. However, the respondent Police registered the FIR only on 07.04.2022.

4. At this juncture, the learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that during the pendency of this petition, investigation of this case in Crime No.159 of 2022 has been completed and the same was closed as 'mistake of fact' on 18.06.2022 itself and RCS notice has also been served to the petitioner on 16.07.2022. He would further submit that nothing survives for further adjudication in this petition.

5. In view of the above, the Criminal Original Petition stands dismissed. Liberty is granted to the petitioner to work out his remedy in the manner known to law.

09.02.2024

Index : Yes/No
Internet : Yes/No
TSG



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To

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2.The Inspector of Police,
(Law and Order),
Jaihindpuram Police Station,
Madurai District.
(Crime No.159 of 2022)

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

TSG

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