



Crl.O.P.(MD)No.15635 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15635 of 2024

and

Crl.M.P(MD)No.9802 of 2024

Muthukumari

: Petitioner

Vs.

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

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

3.The Inspector of Police,
CBCID, Kanyakumari District.

4.P.Jawahar

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to transfer the investigation of the case in Crime No.3 of 2024, dated 02.01.2024 pending on the file of the second respondent/Suchindram Police Station, Kanyakumari District to the third respondent to conduct free and fair investigation in accordance with law.



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For Petitioners : Mr. Raja Karthikeyan
For Respondents : Mr.P.Kottai Chamy,
Government Advocate (Criminal Side)
for R1 to R3.

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of B.N.S.S., seeking orders, to transfer the investigation of the case in Crime No.3 of 2024, dated 02.01.2024, pending on the file of the second respondent/Suchindram Police Station, Kanyakumari District to the third respondent to conduct free and fair investigation in accordance with law.

2.The learned counsel for the petitioner would submit that the Executing Officer of the concerned Temple Sumathi has preferred a complaint and on that basis, FIR came to be registered in Crime No.3 of 2024 and on the the counter complaint given by one Shenbahavalli, FIR came to be registered in Crime No. 4 of 2022; that though the petitioner has given a complaint, the same was not taken into account; that the petitioner's compliant to the concerned Police as well as to the Superintendent of Police were of no avail and that therefore, the petitioner was constrained to file a present petition to transfer the investigation in Crime No.3 of 2024.



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3. When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) would submit that in Crime No.3 of 2024, investigation has already been completed and charge sheet has been filed before the jurisdictional Court on 17.08.2024 itself.

4. As rightly pointed out by the learned counsel for the petitioner in the legal notice sent by the fourth respondent, it has been mentioned that though no FIR has been registered on the basis of the complaint given by the petitioner, the petitioner was added as prime witness in above case in Crime No.3 of 2024. Since the respondent police has filed the final report before the concerned Court, the petitioner is liberty to file a protest petition, if so advised.

5. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

18.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
das



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Crl.O.P.(MD)No.15635 of 2024

K.MURALI SHANKAR,J.

das

To

- 1.The Superintendent of Police,
Kanyakumari District, Nagercoil.
- 2.The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
- 3.The Inspector of Police,
CBCID, Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.15635 of 2024
and
Crl.M.P(MD)No.9802 of 2024

Dated: 18.09.2024