



Crl.O.P.(MD)No.15327 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15327 of 2024

Jothi

... Petitioner

Vs.

- 1.The Superintendent of Police,
CBCID-II, 24, Pantheon Road,
Komaleeswaranpet,
Egmore, Chennai-600008.
- 2.The Deputy Superintendent of Police,
CBCID, 7, Kamaraj Nagar Second Street,
Chinna Chokkikulam,
Madurai-625 002.
- 3.The Inspector of Police,
CBCID, Madurai, Madurai District.
- 4.The Inspector of Police,
Alanganallur Police Station,
Madurai District.
(Crime No.495 of 2023)

5.S.Mohamed Farook

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to withdraw the investigation of Crime No.495 of 2023 dated 07.12.2023



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from the file of the fourth respondent and transfer the same to the second respondent for investigation and file final report.

For Petitioner : Mr.R.Murugappan

For R1 to R4 : Mr.P.Kottaichamy
Government Advocate (Crl. Side)

For R5 : Mr.R.Anand

ORDER

This criminal original petition has been filed seeking orders to withdraw the investigation of Crime No.495 of 2023 dated 07.12.2023 from the file of the fourth respondent and transfer the same to the second respondent for investigation and filing final report.

2.When the matter is taken up for hearing today, the learned Government Advocate(Crl.side) appearing for the official respondents would submit that the fourth respondent, after completing investigation, has filed final report as “mistake of fact”. He has also produced a copy of the final report.



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3.As rightly contended by the learned Government Advocate(Crl.side), though the petitioner has stated that the occurrence was taken place on 12.08.2023, the petitioner has produced photographs in the additional typed-set of papers, which reveals that the same were taken on 07.08.2023.

4.The learned counsel appearing for the fifth respondent would submit that only with the consent of the petitioner, the articles were taken and that they have already filed a complaint under Section 138 NI Act and the same is pending.

5.Since the fourth respondent has already filed the final report as 'mistake of fact', the question of transferring investigation does not arise at all. Accordingly, this criminal original petition is disposed of. The petitioner is at liberty to file protest petition before the concerned Court, if so advised.

18.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns



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K.MURALI SHANKAR,J.

gns

To

- 1.The Superintendent of Police,
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Komaleeswaranpet, Egmore, Chennai-600008.
- 2.The Deputy Superintendent of Police,
CBCID, 7, Kamaraj Nagar Second Street,
Chinna Chokkikulam, Madurai-625 002.
- 3.The Inspector of Police,
CBCID, Madurai, Madurai District.
- 4.The Inspector of Police,
Alanganallur Police Station, Madurai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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