

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.27644 of 2015

M.Usha

... Petitioner

Vs.

State by

The Sub Inspector of Police,
Arcot Town Police Station,
Vellore District.

(Crime No.571 of 2015)

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to transfer the FIR pending investigation in Crime No.571 of 2015 dated 18.10.2015 on the file of the Respondent Police to any other police station for investigation for further investigation.

For Petitioner : Mr.M.Jaikumar

For respondent : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking to transfer the FIR pending investigation in Crime No.571 of 2015 dated 18.10.2015 on the file of the Respondent Police to any other police station for investigation for further investigation.

2. The petitioner has stated that on 18.10.2015, her neighbours namely Kumar, Sundar and Pandurangan had caused several troubles and harassment with the intention to prevent the petitioner from constructing her house and they have also attacked the petitioner with stones and wooden log. At that time, the petitioner's brother's wife Kalaivani was also brutally attacked by the said persons and she was admitted in the Apollo Hospital for three days from 18.10.2015 to 20.10.2015 with fracture on her left Nasal Bone. In this regard, the petitioner has lodged a complaint and the same was registered under sections 294(b) and 323 IPC against the said persons. Further the respondent has also registered a counter case as

against the petitioner and her family members with an intention to threaten the petitioner to withdraw the complaint. Hence the petitioner has filed the present Criminal Original Petition.

3. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

4. The learned counsel for the petitioner submitted that the respondent has registered the case against the accused under the bailable offences. In fact, the petitioner's brother's wife has been brutally attacked by the accused and she has sustained fracture. Hence, the offence committed by the accused will provoke section 307 IPC and the case was not registered under section 307 IPC.

5. When the matter was taken up for consideration, the learned Additional Public prosecutor submitted that the petitioner's brother's wife took treatment in the private hospital without the knowledge of the respondent police. Therefore, if the hospital documents are produced during the investigation, necessary sections will be added. However, the complaint was registered under section 323 IPC.

6. In my considered opinion, the present petition has been filed with vague allegations for transferring the case. Unless a strong case has been made out warranting this court to transfer the case, this court cannot entertain this petition and the petition is liable to be dismissed.

7. Accordingly, this Criminal Original Petition is dismissed.
vrc

Sd/-
Asst.Registrar

/true copy/

सत्यमेव जयते

Sub Asst. Registrar

To

1. The Sub Inspector of Police,
Arcot Town Police Station, Vellore District.

2. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.M.Jaikumar, Advocate Sr 62458.

NM/CO
KR/10/12

Cr1.O.P.No.27644 of 2015