

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.29102 of 2015

Devi ... Petitioner/Complainant.

Vs

1. The Commissioner of Police,
Veppery, Chennai
2. The Inspector of Police,
K-10, Koyembedu Police Station,
Chennai (Crime No.740/15) ... Respondents/Respondents.

Criminal Original Petition filed under Section 482 Cr.P.C. to transfer the investigation in Crime No.740 of 2015 pending on the file of the 2nd respondent to any other independent investigation agency by appreciating the above stated facts.

For Petitioner : Mr.M.Guruprasad
For respondents: Mr.C.Emalias,
Addl.Public Prosecutor.

ORDER

The present criminal original petition has been filed seeking a direction to transfer the investigation in Crime No.740 of 2015 pending on the file of the 2nd respondent to any other independent investigation agency.

2. The petitioner is the informant in Crime No.740 of 2015 and based on her complaint dated 16.07.2015, the respondent police registered the case on 28.08.2015 for offences under Sections 341, 324, 294(b) and 506(i) of IPC.

3. In the petition, it has been stated that the petitioner is residing at No.TE, 11th Block, Jaya Natchathira Apartments, Nalamboor, Chennai along with her sister Malathi and her sister is the owner of the landed properties in New no.11/76, Old No.42, Mettukulam, Poonamallee High Road, Koyambedu. The petitioner states that on 11.03.2015, three persons, viz., Pandu @ Pandurangan, Perumal and Sathi @ Sathya had intimidated the petitioner's sister, Malathi to sell her property. When the

said Malathi refused to their words, the accused persons made a murderous assault on the petitioner's sister and she sustained head injury. The 2nd respondent police registered a case on 12.03.2015 in Crime No.427 of 2015 offences under Sections 341, 324, 506(ii) of IPC. Eventhough there was serious allegations, the 2nd respondent registered a case only for lesser offences. Thereafter the very same accused have assaulted the petitioner on 16.07.2015 at about 7.30 p.m.. The petitioner also sustained injury on her head and she was also admitted in Sri Devi Hospital in Koyambedu. The petitioner lodged a complaint before the 2nd respondent police on 16.07.2015, but for obvious reasons there was no action by the 2nd respondent. In fact the victim of the crime has been harassed by the 2nd respondent. The petitioner's sister had given representation on 26.08.2015 to the 1st respondent and prayed for appropriate action. Thereafter, the 2nd respondent registered a case on 28.08.2015 only for the offence under Sections 341, 324, 294(b) and 506(i) of IPC. Thereafter, there is no progress in the investigation, hence the petitioner has come forward with this petition to transfer the investigation in Crime No.740 of 2015 pending on the file of the 2nd respondent to any other independent investigation agency

4.I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

5.In my considered opinion though the petitioner made a submission that the 2nd respondent is not conducting investigation properly, except the statement made in the petition, no other substantial material was available in support of her contention. However, this Court is constraint to direct the 2nd respondent to expedite the investigation and file a final report as early as possible. The Assistant Commissioner, Koyambedu is directed to monitor the investigation. The petitioner is also directed to produce the wound certificate to the 2nd respondent.

This petition is disposed of on the above terms.

ssd

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police,
Veppery, Chennai

2. The Assistant Commissioner,
Koyambedu, Chennai.
3. The Inspector of Police,
K-10, Koyambedu Police Station,
Chennai
4. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.M.Guruprasad, Advocate SR 65870

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