

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.Nos.30269 and 30270 of 2015

S.Lakshmi

... Petitioner in
both the petitions.

vs.

1.Superintendent of Police,
Kancheepuram District.

2.Inspector of Police,
B2-Vishnukanji Police Station,
Kancheepuram District

3.The Additional Director,
Central Bureau of Investigation,
No.26, III Floor, Shastri Bhavan,
Chennai-600 006

... Respondents in
both the petitions.

Criminal Original Petitions filed under Section 482 Cr.P.C. to transfer the cases in Cr.No.1179 of 2015 dated 30.09.2015 and in Crime No.1212 of 2015, dated 15.10.2015, respectively, pending on the file of the second respondent to the Central Bureau of Investigation, the third respondent, for further investigation.

For Petitioner : Mr.T.Saravanan,
in both the petitions.

For respondents: Mr.C.Emalias,
Addl.Public Prosecutor,
in both the petitions.

COMMON ORDER

The present criminal original petitions have been filed to transfer the cases in Crime No.1179 of 2015 dated 30.09.2015 and Crime No.1212 of 2015, dated 15.10.2015, respectively, pending on the file of the second respondent to the Central Bureau of Investigation, the third respondent, for further investigation.

2. It is the case of the petitioner that her elder son was brutally murdered by several persons at the instigation of ruling party person on 2.1.2012. For the said offence, one Raguvaran, who is the son of ruling party women wing, Town Secretary for Kancheepuram was arrested. The second respondent without proper investigation and without arresting the other ruling party persons, has registered a case in Crime No.8 of 2012 on 3.1.2012. Thereafter, the respondent police under the pressure of the ruling party, has falsely implicated the petitioner's son in Crime No.1179 of 2015 and he was also arrested in Crime No.1212 of 2015 for the offences under Sections 294(b), 352, 427 and 307 I.P.C. The respondents are hand in glove with the ruling party functionaries in the District and threatened to book her son under Goondas Act. Since the husband of the petitioner was also threatened by the said persons, he approached this Court by filing a petition in CrI.O.P.No.17021 of 2015 for protection and this Court, by order dated 9.7.2015, directed the respondents to take action in accordance with law. Further, apprehending threat from the local rowdies and the respondents, the petitioner's son went missing. Hence, the petitioner sent a representation dated 15.10.2015 to the District Collector, Kancheepuram to initiate action against the respondents and the real accused. Since the petitioner sought for action against the respondents, the second respondent took her son from Pondicherry and assaulted him and filed another case in Crime No.1212 of 2015 and after keeping him in illegal custody for two days, remanded him to judicial custody. Without taking any action against the real accused nor giving protection to the family of the petitioner, the respondents are going on implicating the family members of the petitioner in several cases. Hence, the petitioner has come forward with the present petition to transfer the cases in Crime No.1179 of 2015 dated 30.09.2015 and in Crime No.1212 of 2015, dated 15.10.2015, respectively, pending on the file of the second respondent to the Central Bureau of Investigation, the third respondent, for further investigation.

3. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor submitted that apart from Crime Nos.1179 of 2015 and 1212 of 2015, the petitioner's son is also involved in two others cases in Crime Nos.495 of 2014 and 78 of 2015. Further, he has submitted that after filing these petitions, by order dated 15.12.2015 in Order No.91 of 2015, the petitioner's son has been detained under Act 14/1982. Thus, he sought for dismissal of the petitions.

4. Keeping the submissions made on either side, I have carefully gone through the entire materials available on record and I find that only bald and vague statements are given in the

affidavits filed in support of the petitions and no cogent or convincing reasons are given to transfer the said cases. Moreover, the petitioner's son has been detained under Act 14/1982. Hence, I am not inclined to transfer the cases in Crime Nos.1179 of 2015 and 1212 of 2015 to some other agency.

5. In fine, both the criminal original petitions are dismissed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sbi

To

- 1.The Superintendent of Police,
Kancheepuram District
- 2.The Inspector of Police,
B2-Vishnukanji Police Station,
Kancheepuram District
- 3.The Additional Director,
Central Bureau of Investigation,
No.26, III Floor, Shastri Bhavan,
Chennai-600 006
- 4.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.T.Saravanan, Advocate SR.69028

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