



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2015

CORAM:

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THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

CRL.O.P(MD)No.197 of 2015 and
M.P(MD)No. 1 of 2014
CRL.O.P(MD)No.21510 of 2014
and
M.P(MD)No. 1 of 2014
CRL.O.P(MD)No.22765 of 2014
and
M.P(MD)No. 1 of 2015

CRL.O.P(MD)No.197 of 2015

A.Ganapathy ... Petitioner/ 1st Accused

Vs.

1. The State of Tamil Nadu represented by
The Inspector of Police,
All Women Police Station,
Tirunelveli Town P.S.,
Tirunelveli. ... 1st Respondent / Complainant

2. S.Sreelukumari ... 2nd Respondent / De-facto complainant

CRL.O.P(MD)No.21510 of 2014

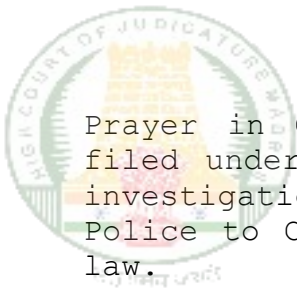
1. A.Ganapathy
2. Yasotha
3. A.Siva ... Petitioner/ Accused 1 to 3
Vs.

1. State rep. By
The Inspector of Police,
All Women Police Station,
Tirunelveli Town P.S.,
Tirunelveli. ... 1st Respondent / Complainant

2. S.Sreelukumari ... 2nd Respondent / De-facto complainant

CRL.O.P(MD)No.22765 of 2014

1. A.Ganapathy
2. Yasotha
3. A.Siva ... Petitioner/ Respondents 1 to 3
Vs.



Prayer in CRL.O.P(MD)No.197 of 2015 :- Criminal Original Petition is filed under Section 482 of Cr.P.C, praying this Court, to transfer the investigation in Crime No.9 of 2014 on the file of first respondent Police to CBCID Police Tirunelveli for proper investigation according to law.

Prayer in CRL.O.P(MD)No.21510 of 2014 :- Criminal Original Petition is filed under Section 482 of Cr.P.C, praying this Court, to call for the records relating to the case in Crime No.9 of 2014 on the file of the first respondent, and quash the same as against the petitioners.

Prayer in CRL.O.P(MD)No.22765 of 2014 :- Criminal Original Petition is filed under Section 482 of Cr.P.C, praying this Court, to call for the records relating to the case in M.C.No.13 of 2014 on the file of the learned Judicial Magistrate Court No.V, Tirunelveli.

For Petitioner : M/s.S.Titus
in all petitions

For R-1 : Mrs.S.Prabha
in Crl.OP. (MD)No.197/2015 Govt. Advocate(Crl.Side)
& 21510 of 2014

COMMON ORDER

These Criminal Original Petitions have been filed under Section 482 of Cr.P.C, to call for the records relating to the case in M.C.No.13 of 2014 on the file of the learned Judicial Magistrate Court No.V, Tirunelveli.

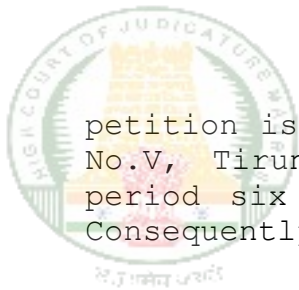
2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondents.

3. These three petitions have been taken up by disposing a common order. The case in Crime No.9 of 2014 in Crl.O.P(MD)No.197 of 2015, in Crime No.9 of 2014 in Crl.O.P(MD)No.21510 of 2014 and in Crime No.9 of 2014 in Crl.O.P(MD)No.22765 of 2014 is to quash the M.C.No.13 of 2014 pending on the file of the learned Judicial Magistrate No.V, Tirunelveli.

4. Though the learned counsel for the petitioner made submissions on merits that this Court cannot go into the same as it is for the Investigation Officer to look into the matter and decide the same whether positive and negative, file a final report.

5. This Court cannot go into the fact in exercising of power under Section 482 Cr.P.C and therefore the Crl.O.P.(MD)No.21510 of 2014 is dismissed. Taking into consideration, the fact that the investigation is pending, without any progress for more than one year, a direction to the Superintendent of Police, Tirunelveli District to transfer the investigation from the first respondent to any other officer under his jurisdiction. Accordingly, Crl.O.P(MD)No.197 of 2015 is ordered.

Coming to Crl.O.P(MD)No.22765 of 2014, this Court does not find any reason to quash the proceedings. The proceedings are similar in nature. What the petitioner seeks protection. Therefore, the said



petition is dismissed with a direction to the learned Judicial Magistrate No.V, Tirunelveli to dispose the case in M.C.No.13 of 2014 within a period six months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed.

Sd/

Assistant Registrar

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Sub Assistant Registrar

To

- 1.The Judicial Magistrate No.V, Tirunelveli.
 - 2.Do Thro The chief Judicial Magistrate, Tirunelveli.
 - 3.The Supterintendent of Police, Tirunelveli.
 - 4.The Inspector of Police,
All Women Police Station,
Tirunelveli Town P.S.,Tirunelveli.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1cc to Mr.S.Titus, Advocate SR.No.38540

CRL.O.P (MD) No.197 of 2015
CRL.O.P (MD) No.21510 of 2014
and
CRL.O.P (MD) No.22765 of 2014
15.07.2015

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