



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2015

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THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

Crl.O.P. (MD)No.21699 of 2015

K.Murugeswari

... Petitioner

-Vs-

The State rep. By its
1.The Superintendent of Police,
Dindigul District,Dindigul.

2. The Inspector of Police,
All Women Police Station,
Nilakottai,Dindigul District
(Crime No. 19 of 2015)

... Respondents

PRAYER: Petition filed under Section 482 of the Code of Criminal Procedure, praying to transfer of the investigation of the case in Crime No. 19 of 2015, dated 07.09.2015 from the second respondent herein to any other competent investigation and to complete the investigation within the time stipulated by this Court and pass such other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.A.P.Balasubramani

Govt.Advocate (crl.side)

ORDER

The petitioner has come forward with this petition under Section 482 of Code of Criminal Procedure, seeking transfer of investigation of the case in Crime No. 19 of 2015, dated 07.09.2015 from the second respondent herein to any other competent investigating agency and to complete the investigation within the time stipulated by this Court.

2.It is submitted by the learned counsel for the petitioner that the petitioner has filed a petition in M.C.No. 2 of 2007 on the file of the Judicial Magistrate, Periyakulam, Theni District seeking maintenance and the same was allowed whereby the court ordered the accused/husband to pay a sum of Rs.1000/- per month as maintenance to the petitioner. However, the husband did not comply with the said order and he has not paid any single pie. On the contrary, the husband filed H.M.O.P.No.75 of 2006 before



the Sub Court, Palani, Dindigul District seeking restitution of conjugal rights and both petitions are pending.

3. While so, the accused/husband has remarried another woman on 28.07.2015. On coming to know the second marriage of the husband, the petitioner gave a complaint before the second respondent police. But, no action has been taken by the second respondent. The petitioner gave complaints to the Superintendent of Police-the first respondent and the District Collector explaining inaction on the part of the second respondent. The first respondent and the District Collector, in turn, forwarded the complaints to the second respondent for enquiry but the second respondent has kept all the complaints in cold storage and he did not take any action.

4. According to the petitioner, the second respondent, in collusion with the accused had not taken any action and allowed the accused to move freely and hence, the learned counsel for the petitioner seeks transfer of investigation in Crime No. 19 of 2015.

5. Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.side) appearing for the respondents.

6. If any allegation is made against a police personnel, he should be made as a party to the proceedings by name. In this case, the allegations are made against the police personnel but the concerned police personnel has not been included as a party by name. That apart, there is no evidence that the husband of the petitioner has got married another woman. Further, if the orders of the court has not been complied with, the petitioner can work out his remedy before the appropriate forum. In view of the above aspects, this Court is of the view that there is no need to transfer of investigation from the second respondent to any other competent investigating agency.

7. In the result, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar



To,

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1.The Superintendent of Police,
Dindigul District,
Dindigul.

2. The Inspector of Police,
All Women Police Station,
Nilakottai,
Dindigul District

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.J.Lawrance, Advocate Sr.No. 66082
cm
AA/NGM-SS/27.11.2015/3p-5c

Crl.O.P. (MD)No.21699 of 2015
18.11.2015