



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Crl.O.P. (MD)No.2340 of 2014

and

M.P. (MD)No.2 of 2014

Jaya Chandra

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Superintendent of Police,
Kanyakumari District at Nagercoil.

2.The Inspector of Police,
All Women Police Station,
Kuzhithurai,
Kanyakumari District.

.. Respondents

Petition filed under Section 482 of the Criminal Procedure Code to transfer the investigation in Crime No.12 of 2013 on the file of the second respondent which relate to the sexual exploitation of the petitioner to some other agency who is competent to deal with the matter in accordance with law.

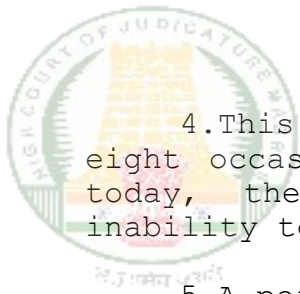
For Petitioner	: Mrs.L.Victoria Gowri.
For Respondents	: Mr.K.Anbarasan Government Advocate (crl. Side)

ORDER

The petitioner is the defacto complainant in Crime No.12 of 2013. The case has been registered for the alleged offences under Sections 147, 508, 420, 392, 342, 376(8) and 506(2) IPC.

2.A perusal of the complaint would show that the petitioner is said to have been abused sexually apart from extortion of money. The complaint also proceeds to state that the accused persons have acted in unionism.

3.The learned counsel for the petitioner submitted that though the case is pending in S.C.No.16 of 2013 on the file of the Additional Sessions Court, Nagercoil, no notice has been given to the petitioner for deleting the name of other accused. He would further submit that in so far as the other accused are concerned, it has to be taken as a negative report and therefore, the concerned court ought to have issued notice to the petitioner before accepting the same. He would also submit that though hundreds of similarly placed victims are available, only few could have given complaint. The complaint have done in a perfunctory manner. In support of his contention, he has relied on a Judgment of the Hon'ble Supreme Court in Special Leave Petition (criminal) No.792 of 2008 (State of Punjab Vs. CBI & others), dated 02.09.2011 and submitted that this is a fit case for transferring the investigation and this Court can order either for re-investigation or for further investigation, as the case may



4.This matter has been adjourned from 04.03.2014 onwards atleast on eight occasions. Despite the same, no instruction is forthcoming. Even today, the learned Government Advocate (crl. side) expressed his inability to assist the Court.

5.A perusal of the complaint shows serious allegations. The complaint is also a detailed one. Apart from the alleged offence under Section 376 IPC, the other offences are also made out as seen from the complaint.

6.Though the complaint states that A1 and A6 are the main accused, proceeds to state the connivance of the other accused. Further, already cases have been registered against the accused persons in Crime Nos.13 of 2011; 08 of 2008; 299 of 2011 and 204 of 2013 for the similar offences. But in those cases, also except A1 and A6, others have been left out following the very same procedure.

7.Considering the above and taking note of the seriousness of the allegations made by the petitioner being a lady, whose statement has to be placed in a higher pedestal with respect to the offences of this nature, this Court is inclined to direct the first respondent to depute any other officer in his jurisdiction to conduct further investigation against all the accused, particularly with reference to those accused whose names have been dropped. The said exercise will have to be done within a period of four months from the date of receipt of a copy of this order.

8.This Criminal Original Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed.

rj2

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar.

To

1.The Superintendent of Police, Kanyakumari District at Nagercoil.

2.The Inspector of Police, All Women Police Station, Kuzhithurai, Kanyakumari District.

3.The Additional Government Pleader, Madurai Bench of Madras High Court, Madurai.

Cr1.O.P. (MD) No.2340 of 2014

2P/4C

AM/17.08.2015.