



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.03.2015

CORAM

THE HON'BLE MR.JUSTICE C.T.SELVAM

CRL.O.P.(MD)No.4615 of 2015

.. Petitioner

.. Vs ..

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

2.The Inspector of Police,
Puthukadai Police Staion,
Kanyakumari District.

3.The Superintendent of Police,
CBCID, Chennai. .. Respondents

PRAYER:Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, praying to issue a direction, directing the respondents to transfer the Crime No.41/2015 on the file of the Pudhukadai Police Station Kanyakumari District to third respondent(CBCID) or to any other independent competent investigating agency.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.K.V.RajaRajan

Government Advocate(Crl. Side)

ORDER

This petition has been filed under Section 482 Cr.P.C., praying to issue a direction, directing the respondents to transfer investigation of the case in Crime No.41 of 2015 on the file of the Pudhukadai Police Station, Kanyakumari District to third respondent(CBCID) or to any other independent competent investigating agency.

2.The petitioner, whose complaint of police atrocities has been registered in Crime No.41 of 2015 on the file of Pudhukadai Police Station, Kanyakumari District, pursuant to direction issued by this Court in Crl.O.P.No.23592 of 2014, seeks transfer of investigation. It is the contention of the learned counsel for the petitioner that as the persons complained against are police personnel, there are possibilities of bias in investigation and hence, transfer sought for is necessary.

3.Heard the learned counsel for the petitioner and also the learned Government Advocate(Crl. Side) appearing for the respondents.

4.On consideration of rival submissions and attendant facts and circumstances, this Court is of the view that interest of Justice would be met by transferring investigation of the case in Crime No.41 of 2015 to Jurisdictional Deputy Superintendent of Police.

5. Accordingly, there shall be a direction that the case in Crime No.41 of 2015 shall be investigated by Jurisdictional Deputy Superintendent of Police and such investigation shall be duly monitored



by the first respondent/Superintendent of Police, Kanyakumari District, at Nagercoil.

6. This petition so is ordered.

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/True Copy/

Sd/-

Assistant Registrar (T&P)

Sub- Assistant Registrar

To,

1. The Superintendent of Police,
Kanyakumari District, At Nagercoil.
2. The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
3. The Superintendent of Police,
CBCID, Chennai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court
Madurai.

Copy to The Deputy Superintendent of Police,
Kanyakumari at Nagercoil.

+1cc to Mr. S.C. Herold Singh, Advocate in SR.No.13094

sm:31.03.2015:2P/7C

CRL.O.P. (MD) No.4615 of 2015

17.03.2015