

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.16658 of 2016

R.Muniyammal

.. Petitioner

Vs

1.The Director General of Police
Tamil Nadu Police
Kamarajar Salai
Chennai - 4.

2.The Superintendent of Police
Thiruvannamalai District
Thiruvannamalai.

3.The Inspector of Police
Desur Police Station
Vandavasi Taluk
Thiruvannamalai District.

4.The Sub Inspector of Police
Desur Police Station
Vandavasi Taluk
Thiruvannamalai District.

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the investigation in Cr.No.95 of 2016 from the 3rd respondent to the CB CID or any other agency and direct them to investigate the matter under the supervision of the Superintendent of Police of any other District except the 2nd respondent and file the final report within the stipulated period.

For Petitioner : Mr.Kalaiselvan
for Mr.M.Sekar

For Respondents : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

This petition has been filed to transfer the investigation in Cr.No.95 of 2016 from the 3rd respondent to the CB CID or any other agency and direct them to investigate the matter under the supervision of the Superintendent of

Police of any other District except the 2nd respondent and file the final report.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. On the complaint lodged by one Ramakrishnan, the respondent police registered the same as CSR No.120 of 2016 and later registered a case in Cr.No.95/2016 on 26.06.2016 against one Venkatesan and his wife Bhuvaneswari for offences u/s 294(b) and 323 IPC.

4. When the matter was taken up for hearing, learned Additional Public Prosecutor submitted that investigation in Cr.No.95 of 2016 was completed; Final Report was filed in STC No.91 of 2016 before the Judicial Magistrate, Vandavasi; the accused appeared before Lok Adalat, pleaded guilty and have also paid the fine.

5. Mr.Kalaiselvan, learned counsel for the petitioner submitted that the respondent police have not properly investigated the case and that it is a case of sexual harassment by the opposite party. He submitted that the police obtained signature from the petitioner in blank papers and have given a different version to the incident.

6. On a careful reading of the FIR it is seen that Ramakrishnan and Venkatesan belong to the same village and that Ramakrishnan had borrowed Rs.50,000/- from Venkatesan. According to Ramakrishnan, he has returned that Rs.50,000/-, in spite of which Venkatesan was unnecessarily harassing his wife saying that the amount has not been returned. While so it is alleged in the complaint that, on 05.06.2016 around 7.00 in the evening, Venkatesan came drunk to the house of Ramakrishnan and a quarrel ensued, in which it is alleged that Venkatesan had assaulted Ramakrishnan and his wife. After assault, both Ramakrishnan and his wife went to the Government Hospital, Vandavasi and the discharge summary also shows that Ramakrishnan's wife Muniyammal was assaulted. Beyond that it does not say that she suffered any grievous injuries. Ramakrishnan has been sending representations to various authorities stating that the investigation is improper. On a complete perusal of the records, this Court does not find any serious infirmity in the investigation done by the police. After all it is a dispute between neighbours with regard to some money transaction. The complaint itself has been given by Ramakrishnan in which he has stated that the incident has been witnessed by Devakanni, a neighbour. The police have filed a Final Report against both Venkatesan and his wife Bhuvaneswari and that they have also pleaded guilty to the charges.

Under such circumstances, this is not a fit case to transfer investigation to the CB CID as prayed for by the petitioners. Hence, this petition is devoid of merits and the same is dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Director General of Police
Tamil Nadu Police
Kamarajar Salai
Chennai - 4.

2.The Superintendent of Police
Thiruvannamalai District
Thiruvannamalai.

3.The Inspector of Police
Desur Police Station
Vandavasi Taluk
Thiruvannamalai District.

4.The Sub Inspector of Police
Desur Police Station
Vandavasi Taluk
Thiruvannamalai District.

5.The Public Prosecutor,
High Court, Madras.

gj ii co
kra 29.08.2016

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