

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 09.11.2016
CORAM
THE HONOURABLE Mr.JUSTICE S.BASKARAN
CRL.OP.No.25301 of 2010
and
M.P.No.1 of 2010

E.V.Ramanathan

... Petitioner

..Vs..

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

2.The Inspector of Police,
Sathuvachary Police Station,
Sathuvachary,
Vellore.

3.M.Pugazhendhi

4.M.Palani

..Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to transfer the investigation in Crime No.232 of 2010 from the file of the 2nd respondent herein to the CBCID, Vellore.

For Petitioner : Mr.M.R.Sivakumar

For R1 & R2 : Mr.E.Raja,
Addl.Public Prosecutor

For R3&R4 : No appearance

O R D E R

This petition has been filed to transfer the investigation in Crime No.232 of 2010 from the file of the 2nd respondent herein to the CBCID, Vellore.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor for the respondents and perused the materials placed on record.

3. The petitioner has come forward with the petition, seeking transfer of case in Crime No.232 of 2010, pending on the file of the second respondent to the file of CBCID for better

investigation.

4. According to the petitioner, the occurrence took place on 09.07.2007 and 22.09.2007 and the same was informed to the second respondent police by over phone and subsequently, a complaint was lodged on 22.09.2007 itself. However, no F.I.R was registered on the complaint given by the petitioner, hence, a private complaint in C.M.P.No.3041 of 2009 was filed before the learned Judicial Magistrate No.V, Vellore and the same was forwarded to the second respondent and accordingly, F.I.R in Crime No.232 of 2010 was registered under Sections 294(b) and 506(i) I.P.C and investigation is pending.

5. According to the petitioner, the fourth respondent is the Station House Officer of the second respondent police station and the said individual is arrayed as one of the accused in the said F.I.R.

6. According to the petitioner, only due to that reason, the second respondent police is not evincing any interest in the investigation of the case.

7. In such circumstances, as the fourth respondent himself is arrayed as an accused in his personal capacity, the petitioner seeks transfer of the investigation in respect of the above said Crime No.232 of 2010 from the second respondent police to CBCID.

8. The same is opposed by the learned Additional Public Prosecutor on the ground that the investigation is done effectively and further monitored by the higher authorities as stated above, the F.I.R was registered in 2010. It is admitted by the learned counsel appearing for the petitioner that the fourth respondent would have been transferred by now and he will not be there in the same posting. The same is reiterated by the learned Additional Public Prosecutor also.

9. In such circumstances, as the apprehension of the petitioner is unfounded and there is no ground to entertain the same, the Criminal Original Petition fails and the same is dismissed and the second respondent is directed to proceed further as per law and make the charge sheet within a period of one month from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is also closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

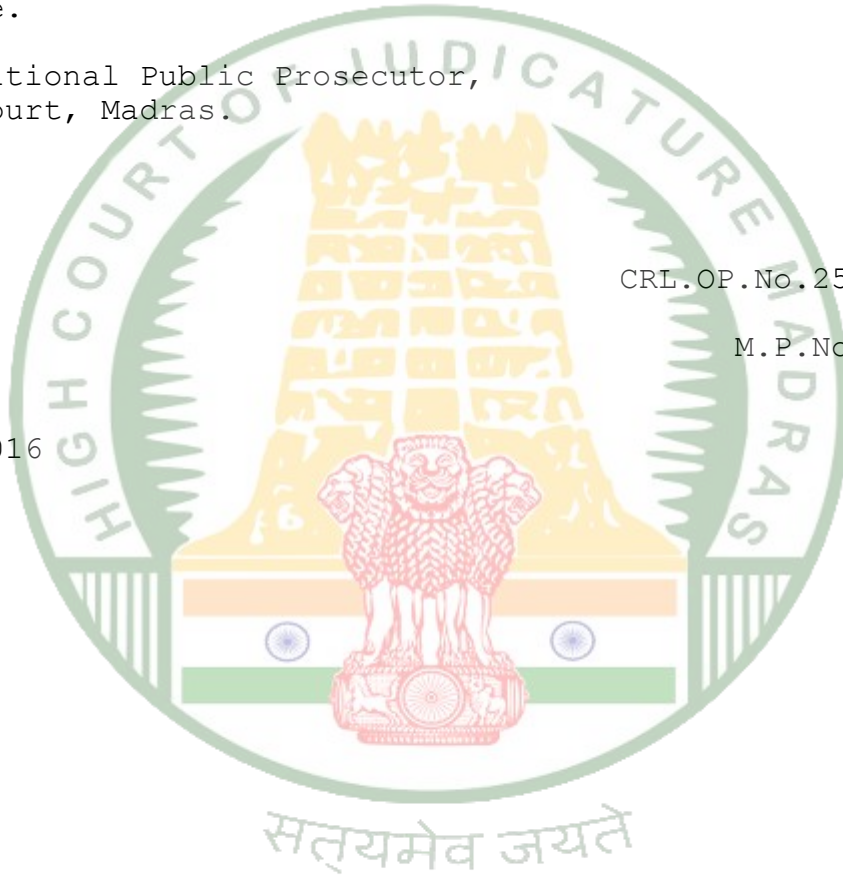
1.The Superintendent of Police,
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2.The Inspector of Police,
Sathuvachary Police Station,
Sathuvachary,
Vellore.

3.The Additional Public Prosecutor,
High Court, Madras.

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