

THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.10.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.21550 of 2016
and
Crl.M.P.No.9962 of 2016

S.Dakshinamurthy

... Petitioner

-Versus-

1. The Director General of Police,
Office of the Director General of Police,
Mylapore, Chennai 600 004.
2. The Superintendent of Police,
Nagapattinam District, Nagapattinam.
3. The Inspector of Police,
Vedharanyam Police Station,
Vedharanyam Taluk,
Nagapattinam District.

... Respondents

Petition filed under Section 482 of Cr.P.C. praying to direct the 1st respondent to transfer the case in Crime No.223 of 2016 pending on the file of the 3rd respondent police to some other investigating agency to investigate the case and to file final report expeditiously.

For Petitioner : Mr.R.Murugabharathi

For Respondent(s) : Mr.C.Emalias,
Additional Public Prosecutor
for R1 to R3

ORDER

On the complaint made by the petitioner, the 3rd respondent police has registered a case in Crime No.223 of 2016 under Sections 457 and 380 of IPC against unknown accused. It is the case of the petitioner that when he and his family members had gone out on 08.08.2016, his house has been burgled. Since no progress is shown in the investigation, the petitioner has come up with the present petition seeking for transfer of investigation.

2. It is the grievance of the petitioner that in the FIR only limited items have been shown but whereas the loss has

been huge. In a case of this nature, when the complaint is made, the de facto complainant may not know the exact loss. Only subsequently, the fact that some more valuable items have been stolen away will come to light. Under such circumstances, it is always open to the police to record a further statement under Section 161 of Cr.P.C. and to proceed with the investigation.

3. Taking into consideration the nature of the allegations in the FIR, this is not a fit case to order for transfer of investigation as prayed for by the petitioner. However, the Deputy Superintendent of Police, Vedharanyam Sub Division, Nagapattinam District, is hereby directed to monitor the investigation in Crime No.223 of 2016 on the file of the 3rd respondent.

4. In the result, the criminal original petition is disposed of with the above directions. Consequently, connected MP is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kmk

To

1. The Director General of Police,
Office of the Director General of Police,
Mylapore, Chennai 600 004.
2. The Superintendent of Police,
Nagapattinam District, Nagapattinam.
3. The Inspector of Police,
Vedharanyam Police Station,
Vedharanyam Taluk,
Nagapattinam District.
4. The Deputy Superintendent of Police,
Vedharanyam Sub Division,
Nagapattinam District.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Murugabharathi, Advocate, S.R.No.58837

Cr1.O.P.No.21550 of 2016

SV(CO)

CA(30/11/2016)