

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 18..11..2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.25285 of 2016

V.Prabavathy

... Petitioner

-Versus-

State Rep. by its

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

2.The Inspector of Police,
E-1, Ponneri Police Station,
Ponneri,
Thiruvallur District.

3.The Superintendent of Police,
Crime Branch C.I.D.,
Chennai.

... Respondents

Prayer: This petition is filed under Section 482 Cr.P.C. praying to transfer the investigation pending in Crime No.314 of 2016 before the 2nd respondent - Inspector of Police, E-1, Ponneri Police Station, Ponneri, Thiruvallur District to the file of C.B.C.I.D., or to any other competent officer.

For Petitioner : Mr.M.Jai Ganesh

For Respondents : Mr.C.Emalias, APP for R1
to R3

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ORDER

This original petition has been filed seeking an order transferring the case in crime No.314 of 2016 from the file of the 2nd respondent to C.B.C.I.D. or to any other competent officer.

2. It is the case of the petitioner that accused had attacked her on 29.06.2016 and after having sprayed some substance on her face, they accused had taken away her gold jewels and valuable documents. Pursuant to the complaint lodged by the petitioner, the 2nd respondent police have

<https://hcservices.resorts.gov.in/hcservices/> case in Crime No.314 of 2016 on 02.07.2016 for

offences under Sections 448, 294(b), 323, 324, 506(ii) and 380 of IPC against Rajesh and three unknown persons.

3. The learned Additional Public Prosecutor submitted that the 2nd respondent is effectively conducting investigation and it is pending.

4. The learned counsel for the petitioner submitted that based on the allegations in the complaint police ought have included a penal provision punishable Section 326A of IPC for having voluntarily caused grievous hurt by using acid, etc., which is triable by a court of sessions and provides for major punishment and instead, the police have included only Sections 323 and 324 of IPC which are minor offences triable by a Magistrate.

5. This court gave its anxious consideration to the rival submission.

6. On a reading of the FIR, this court is of the view that there appears to be some previous enmity between the petitioner and the opposite party on account of which the alleged attack was made on the petitioner. Going by the nature of the allegations, in the considered opinion of this court, it is not a fit case for transfer of investigation to C.B.C.I.D. and it would suffice if the Deputy Superintendent of Police, Ponneri Sub Division, is directed to closely monitor the investigation.

7. In the result, the criminal original petition is disposed of with a direction to the Deputy Superintendent of Police, Ponneri Sub Division, Ponneri, Thiruvallur Taluk, to monitor the investigation in Crime No.314 of 2016 on the file of the 2nd respondent police and during investigation, if it is found that assailants had used acid or any other chemical substance, the 2nd respondent shall file appropriate alteration report.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

kmk

To

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

2.The Inspector of Police, E-1, Ponneri Police Station, Ponneri, Thiruvallur District.

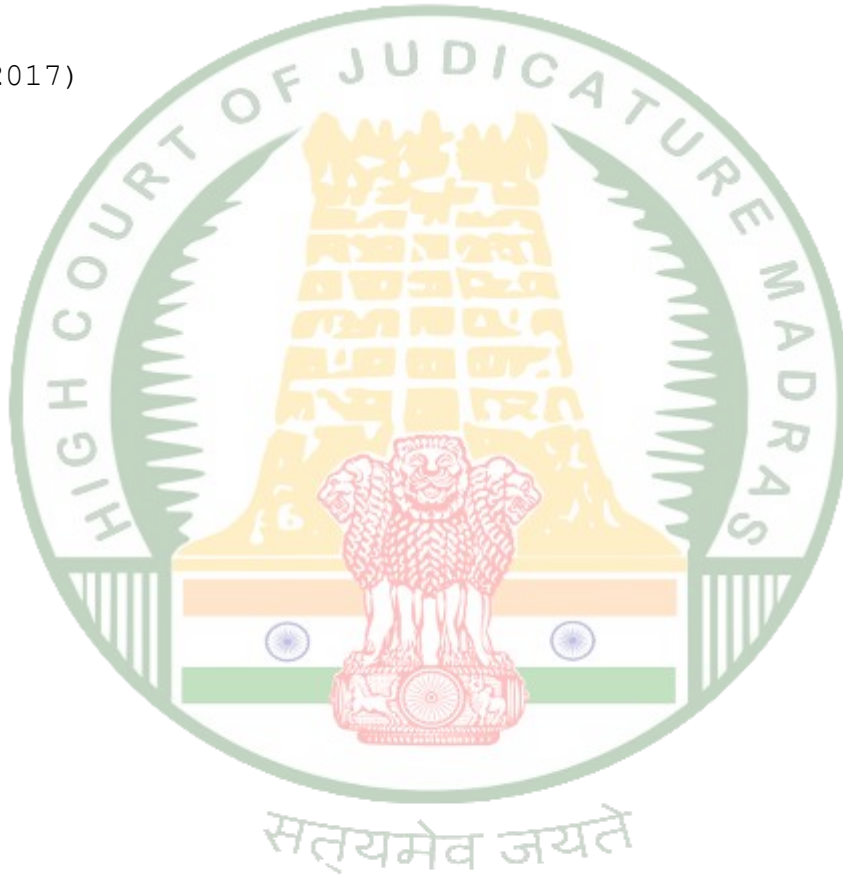
3.The Superintendent of Police,
Crime Branch C.I.D., Chennai.

4.The Deputy Superintendent of Police,
Ponneri sub division,
Ponneri, Thiruvallur Taulk.

5.The Public Prosecutor, High Court, Madras.

Cr1.O.P.No.25285 of 2016

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ss(20/01/2017)



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