

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.912 of 2016

C.Lalitha

... Petitioner

Vs

1.The Superintendent of Police,
Villupuram Region,
Villupuram.

2.The Inspector of Police,
Thiyaga Durugam Police Station,
Thiyaga Durugam,
Villupuram District.

3.R.Selvi

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to transfer the investigation on the petitioner's complaint dated 8.10.2015 pending on the file of the second respondent to any other officer of equal rank as nominated by the first respondent within a time frame that may be fixed by this Court.

For Petitioner : Mr.R.Baskaran

For respondents : Mr.C.Emalias,
Addl. Public Prosecutor,
for R.1 and R.2

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ORDER

The present criminal original petition has been filed seeking to transfer the investigation on the petitioner's complaint dated 8.10.2015 pending on the file of the second respondent to any other officer of equal rank as nominated by the first respondent within a time frame that may be fixed by this Court.

2. It is the case of the petitioner that she married one Chinnasamy in the year 1973, after the death of his first wife in the year 1972. In the year 2013, her husband settled the land in Survey No.165/1A1 measuring to an extent of 2 acres in her favour and in favour of her daughter Lakshmi. Thereafter, the third respondent, who is the daughter of the said Chinnasamy's first wife started giving trouble to the petitioner and tried to interfere with her peaceful possession and enjoyment of the property. Hence, the petitioner's daughter filed a suit in O.S.No.172 of 2013 on the file of District Munsif Court, Shankarapuram and got an order of interim injunction in her favour. In spite of the Court order, the petitioner and her daughter were being threatened by the third respondent and the third respondent has also assaulted them on several occasions. Hence, the petitioner gave a complaint dated 27.8.2015 before the second respondent. But, the second respondent refused to register a case on the said complaint. Hence, the petitioner approached this Court by filing a petition in Crl.O.P.No.22986 of 2015 and this Court, by order dated 18.9.2015, directed the petitioner to give a fresh complaint and consequently, directed the second respondent to conduct an enquiry on the said complaint. Immediately, the petitioner gave a fresh complaint on 8.10.2015 to the second respondent and the second respondent police assigned CSR number as CSR No.292 of 2015. But, thereafter, no action was taken on the said complaint. Hence, the petitioner has come up with the present petition seeking transfer of the case to some other officer.

3. I have heard the learned Additional Public Prosecutor.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, I am of the opinion, instead of transferring the case to some other officer, it would be appropriate to direct the second respondent police to conduct enquiry on the complaint given by the petitioner dated 8.10.2015.

5. Accordingly, the second respondent is directed to conduct enquiry in CSR No.292 of 2015 dated 8.10.2015 and proceed further in accordance with law as expeditiously as possible. The criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The Superintendent of Police,
Villupuram Region,
Villupuram.

2.The Inspector of Police,
Thiyaga Durugam Police Station,
Thiyaga Durugam,
Villupuram District.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.R.Baskaran, Advocate, sr.2092

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