



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.03.2016

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.2668 of 2016

B.Pattammal

... Petitioner/Defacto complainant

-vs-

- 1.The State Rep. by
Inspector of Police,
Cantonment Police Station,
Trichy.
(Cr.No.54 of 2016)
- 2.The Inspector of Police,
Somarasanpet Police Station,
Trichy Rural,
Trichy District.
- 3.The Superintendent of Police,
CBCID,
Trichy.

... Respondents

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to transfer the investigation in Crime No.54 of 2016 pending on the file of the 1st respondent to that of the 3rd respondent.

For Petitioner : Mr.G.R.Swaminathan for
Mr.A.P.Sathyamurthy

For Respondents : Ms.S.Prabha
Government Advocate (Crl.Side)

O R D E R

The minimum fact that is required for deciding this petition is as follows:-

On the complaint lodged by one B.Pattammal, the first respondent police registered a case in Cr.No.54 of 2016 on 27.01.2016 for 'man missing'. It was alleged by Pattammal, that her son Nambi Dasan, has gone missing and hence, she lodged a complaint as aforesaid. During the course of investigation, the first respondent police arrested Sasikala, wife of Nambi Dasan. On 30.01.2016, Nambi Dasan, was secured. From the confession statement of Sasikala, it appears that Nambi Dasan, was abducted with the help of a gang for the purpose of getting certain properties transferred to her name, thereby attracting the provisions under Sections 364(A) IPC. It is the grievance of Pattammal, that the police have not shown any further interest in the investigation of the case and they have also not altered the offence. After arresting Sasikala, the respondent police altered the case from one man missing to offence under Sections 147, 326, 324, 537 and 363 IPC. It is the grievance of the defacto complainant that



the police have not included the offence under Section 364(A) IPC, despite the availability of voluminous materials on record. It is also her grievance that the police have not gone behind the gangsters who were employed by Sasikala for the commission of offence.

2. Today, when the matter was taken up for hearing, the first respondent police have filed a status report, in which it is stated that a proposal has been sent to the Somarasanpet Police Station, for transferring the investigation from the file of first respondent to the file of second respondent for want of territorial jurisdiction.

3. This Court, gave its anxious consideration to the rival submissions. On a reading of the First Information Report and confession of the arrested accused, it appears that a very serious offence has been committed, which warrants a thorough probe by the police. If the investigation is transferred to the file of second respondent, it will only further prejudice the case and the accused will escape from the clutches of law. Therefore, this Court transfer the investigation in Cr.No.54 of 2016 from the file of the first respondent, Cantonment Police Station, Trichy, to the file of Assistant Commissioner of Police, Cantonment, Trichy, who shall investigate the offence from all angles and take effective steps to bring the guilty to book. The criminal original petition is disposed of with the above direction.

Sd/
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar.

To:

Inspector of Police,
Cantonment Police Station, Trichy.

2.The Inspector of Police,
Somarasnpet Police Station,
Trichy Rural, Trichy District.

3.The Superintendent of Police,
CBCID, Trichy.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to: The Assistant Commissioner of Police,
Cantonment, Trichy.

+1CC to M/S.A.P.Sathya Murthy, Advocate, SR.No. 16877

Cr1.O.P.(MD)No. 2668 of 2016
24.03.2016