



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2016

CORAM:

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THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Criminal Original Petition (MD) No.4857 of 2016

L.Mariya Arokiya Jegan ... Petitioner / Complainant
vs.

1. The Superintendent of Police
Kanyakumari District
2. State, represented by
The Inspector of Police
Vadacheri Police Station
Kanyakumari District
(Crime No.78 / 2016)
3. The Inspector of Police
District Crime Branch
Nagercoil, Kanyakumari District. ... Respondents / Respondents

PRAYER: This petition is filed under Section 482 Cr.P.C., to change the investigation agency in respect of the case in Crime No.78 of 2016, on the file of the second respondent to the third respondent.

For Petitioner : Mr.S.Ramasamy

For Respondents : Mrs.S.Prabha,
Govt. Advocate (Crl.Side)

O R D E R

The petitioner has filed this criminal original petition, under Section 482 of the Code of Criminal Procedure, seeking transfer of investigation in Crime No.78 of 2016, from the file of the second respondent to the file of the third respondent herein.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents.

<https://hcservices.courts.gov.in/hcservices> seen that the petitioner herein filed a private complaint before the learned Judicial Magistrate No.II, Nagercoil, and pursuant to the direction given by the learned Judicial



Magistrate, under Section 156(3) Cr.P.C., the second respondent Police have registered a case in Crime No.78 of 2016, on 08.02.2016, under Sections 109, 120(B), 406, 415, 418 and 420 I.P.C. Immediately thereafter, the petitioner has approached this Court seeking transfer of investigation in Crime No.78 of 2016.

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4. On reading of the F.I.R., it is seen that the matter relates to certain work orders given to the contractors by Nagercoil Municipality and therefore the respondent Police will have to peruse several records before finding out as to whether any offence is committed or not as alleged by the de facto complainant.

5. Further it is seen that the Assembly has passed the Tamil Nadu Local Bodies Ombudsman Act, 2014 and also framed Tamil Nadu Local Bodies Ombudsman (Manner of Filing, Inquiry and Disposal of Complaints) Rules 2015 for speedy and effective investigation of complaints against officials. Under such circumstances, this Court is of the view that this is not a fit case to transfer the investigation to any other agency. However, it will suffice if the investigation in Crime No.78 of 2016, is proceeded under the supervision of the Deputy Superintendent of Police, Nagercoil Sub-Division.

6. With the above observations, this criminal original petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police, Kanyakumari District.
2. The Inspector of Police, Vadacheri Police Station, Kanyakumari District.
3. The Inspector of Police, District Crime Branch, Nagercoil, Kanyakumari District.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.S.Ramasamy, Advocate, Sr.No.22161

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