

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No. 21422 of 2017

Shabana Begam

... Petitioner/Defacto complainant

Vs

State. Rep by
The Inspector of Police,
D-2, Anna Salai Police Station,
Chennai.

...Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to transfer the above said FIR in Crime No. 1188 of 2017 dated 23.09.2017 pending on the file of the respondent police.

For Petitioner : Mr.T.K.Rajasekaran

For Respondent : Mr.P.Govindarajan,
Additional Government Pleader

O R D E R

The prayer sought for in the present petition is to transfer the FIR in Crime No. 1188 of 2017 dated 23.09.2017 made on the basis of the averment that the respondent police are coercing the petitioner to withdraw her complaint.

2.Heard Mr.T.K.Rajasekaran, learned counsel for the petitioner as well as Mr.P.Govindarajan, learned Additional Public Prosecutor for the respondent.

3.The learned Additional Public Prosecutor on instructions submitted that the parties have united and therefore, the investigation need not be transferred.

4.The learned counsel for the petitioner on the other hand refuted the submission of the learned Additional Public Prosecutor and submitted that when the petitioner herein had gone to her husband's house for the purpose of re-union with him, she was attacked by her husband and sister-in-law, causing severe injuries. It is the case of the petitioner that she was admitted as in-patient for almost one week.

5. According to the learned counsel for the petitioner, the respondent police initially did not file an FIR on her complaint and that the same came to be registered only after the orders of this Court.

6. The petitioner has further stated that the respondent police are acting in favour of the accused persons and therefore, she has no faith in the investigation to be conducted by the respondent police.

7. The learned Additional Public Prosecutor appearing for the respondent vehemently opposed the said submissions and stated that those are false allegations and that the respondent police are sincerely investigating the complaint. I do not intend to remark on the allegations made by the petitioner against the respondent police. It is further reiterated that this Court has not found any adverse act in the investigation conducted. Nevertheless, since the petitioner has cast unwanted remarks against the respondent police, it would not be appropriate for them to continue with the investigation. By directing the respondent police to continue the investigation, the petitioner may always have a hostile attitude towards the Investigating Authorities and in case of any adverse findings, the same may result in suspicion of the investigation.

8. Accordingly, there shall be a direction to transfer the investigation in Crime No. 1188 of 2017 dated 23.09.2017 pending on the file of the Inspector of Police, D-2, Anna Salai Police Station, Chennai to the file of the Inspector of Police, All Women Police Station, Anna Salai, Chennai. Such an exercise of transfer shall be made within a period of three days from the date of receipt of a copy of this order.

9. With the above observation and direction, this Criminal Original Petition stands allowed.

Sd/-
सत्यमेव जयते

Assistant Registrar(CS V)

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Sub Assistant Registrar

DP

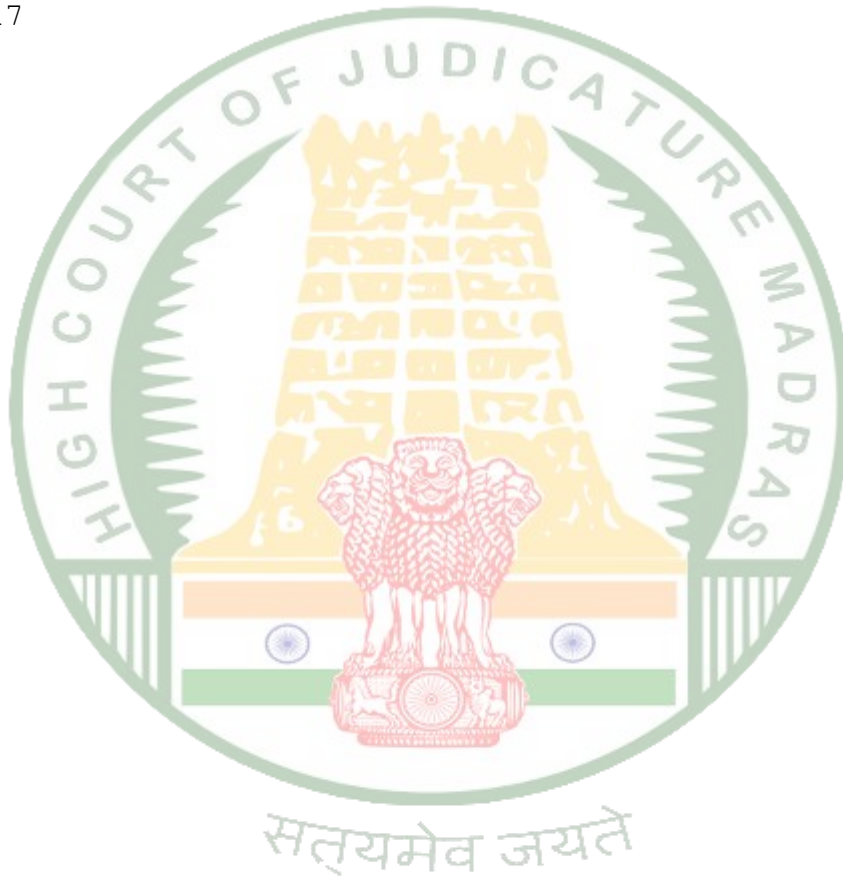
To

1. The Inspector of Police,
D-2, Anna Salai Police Station,
Chennai.

2. The Inspector of Police,
All Women Police Station,
Anna Salai Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.21422 of 2017

MG (CO)
CS/04/12/17



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