

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.04.2017
CORAM
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN
Crl.O.P.No.19102 of 2011

Pappathi

.. Petitioner

Vs.

- 1.The Superintendent of Police,
Tiruppur.
- 2.The Deputy Superintendent of Police,
Udumalpet,
Tiruppur District.
- 3.The Deputy Superintendent of Police,
CB CID, Tiruppur.

.. Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to issue an order of direction directing the 2nd respondent to transfer the investigation pending on the file of the 2nd respondent based on the complaint dated 23.12.2009 to the 3rd respondent for investigation.

For Petitioner : Mr.N.Umapathi

For Respondents: Mr.B.Ramesh Babu
Government Advocate (Criminal Side)

O R D E R

The petitioner is before this Court seeking for a direction to transfer the investigation pending on the file of the 2nd respondent in connection with the petitioner's complaint dated 23.12.2009 to the 3rd respondent for investigation.

2.The case of the petitioner is that she belongs to Schedule Caste community and she works as a worker for about 5 years at one Kannappa Naicker's house. Being so one Parvathiammal, the land lord of Kannappa Naicker due to animosity existed between her and Kannappa Naicker on 13.12.2009 at about 11a.m with hooligans entered into Kannappa Naicker's house and thereby attacked Kannappa Naicker and his wife Revathi. Further the companions of Parvathiammal robbed the jewels and money from Kannappa Naicker's house. When this

petitioner intercepted their fight, she was attacked and out of same, she sustained injuries in her left forehead.

3. In spite of attack over her, the petitioner tried to stop the illegal activities of companions of Parvathiammal, who in turn shouted and scolded the petitioner herein, by using the name of their community in front of the public place and thereafter they fled away. The petitioner thereupon went to treatment in Government Hospital, Udumalpet and was treated therein. Whereupon a complaint was lodged before the concerned Police authority, explaining the entire facts stated above, however, the complaint was not registered due to extraneous reasons.

4. Therefore, the petitioner was constrained to send copy of complaint to the 1st and 2nd respondent on 24.12.2009 in post, however again there was no response from the 1st and 2nd respondent. Whereby, petitioner filed CrI.O.P.No.1513 of 2010 before this Court praying for a direction to register the petitioner's complaint. This Court vide an order dated 01.02.2010 by disposing the petitioner's CrI.O.P.No.1513 of 2010 directed the 2nd respondent to proceed and investigate the matter in accordance with the procedure contemplated under law and conclude the enquiry within a period of two weeks. Despite of a specific direction, the 2nd respondent failed to look into the complaint. Now the petitioner having no hope over the 2nd respondent is before this Court to transfer the investigation pending on file of the 2nd respondent to the 3rd respondent for investigation.

5. The learned Government Advocate (Criminal Side) appearing for the State would submit that the investigation at the hands of the respondent police is going in a right direction and the same need not be transferred to the 3rd respondent herein. The learned counsel would further contend that the petitioner herein is making unnecessary allegation against the respondents 1 and 2 herein. Hence, prayed to dismiss this transfer petition.

6. I heard Mr.N.Umapathi, learned counsel appearing for the petitioner and Mr.B.Ramesh Babu, learned Government Advocate (Criminal Side) appearing for the respondents.

7. The petitioner so as to substantiate his claim has annexed her admission slip dated 11.12.2009 issued by the Government Hospital, Udumalpet, wherein it is stated as reason for admission is assault. Further the date of discharge is stated as 15.12.2009. The petitioner also annexed her

complaint dated 23.12.2009 preferred before the 1st respondent stating the inaction of the 2nd respondent to take action over the petitioner's complaint. Furthermore it is noticed by this Court that in spite of specific direction given to the 2nd respondent proceed and investigate the matter in accordance with the procedure contemplated under law within a period of 2 weeks the 2nd respondent has not taken any step to conduct an enquiry till date.

8. In view of the materials available on record this Court deems fit to transfer the investigation pending on the file of the 2nd respondent in connection with the petitioner's complaint dated 23.12.2009 to the file of the 3rd respondent for investigation. The Case file shall be transferred by the 2nd respondent within a period of two weeks from the date of receipt of copy of this order and the 3rd respondent on receipt of the same, shall proceed and investigate petitioner's complaint dated 23.12.2009 in accordance with the procedure contemplated under law and conclude the enquiry within a period of three weeks thereafter.

9. In the result, this Criminal Original Petition is allowed with the above direction.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vs
To

1. The Superintendent of Police,
Tiruppur.
2. The Deputy Superintendent of Police,
Udumalpet, Tiruppur District.
3. The Deputy Superintendent of Police,
CB CID, Tiruppur.
4. The Public Prosecutor
High Court, Madras

+1cc to Mr.N.Umapathi, Advocate SR.No.25258

CrI.O.P.No.19102 of 2011

sm:7.12.2017