

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2017

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.25686 of 2017

Child Welfare committee,
Rep.by its Chairman & Members
Mr.Manikandan,
Government Special Home,
(Opposite Taluk Office)
Chengalpet - 603 002,
Kancheepuram District.

.... Petitioner

Vs.

1. The Commissioner of Police,
Chennai City Police,
EVK Sampath Road,
Vepery, Chennai - 600 007.
2. The Director General of Police,
Tamil Nadu Police, Head Quarters,
Dr.RK Salai, Mylapore,
Chennai - 600 004.
3. The Inspector of Police,
CB CID,
Anti Human Trafficking Cell (Anti Vice Squad)
First Floor, Block-3 Electronic Complex,
SIDCO Industrial Estate,
Guindy, Chennai - 32.
4. The Inspector of Police,
S4, Nandambakkam Police Station,
No.23, Mount Poonamallee High Road,
IDPL Colony, Tulasisingapuram,
Nandambakkam,
Chennai - 600 089.
5. The Superintendent of Police,
Central Bureau of Investigation,
Shastri Nagar, Adyar,
Chennai - 600 020.

6. The Central Bureau of Investigation,
Plot No.5-B, 6th Floor,
CGO Complex, Lodhi Road,
Jawaharlal Nehru Stadium Marg,
New Delhi,
Delhi - 110 003.

7. Franciscan Sisters of St.Joseph
Rep.by its President
FSJ Generalate
St.Louis Convent
St.Thomas Mount
Chennai - 600 016.

R7 in impleaded as per the order of
this court dated 18.12.2017 made
in CrI.MP.15993/2017 in CrI.OP.25686/2017

.... Respondents

Prayer: Criminal Original Petition filed under Section 482 of
Criminal Procedure Code, to transfer the investigation in Crime
No.5/2017 from the file of the 3rd respondent to the file of 5th
respondent.

For Petitioner: No Appearance

For RR 1 to 4 : Mr.P.Govindarajan
Additional Public Prosecutor

For RR5 & 6 : Mr.K.Srinivasan
Special Public Prosecutor (CBI Cases)

For R7 : Mr.R. Yashod Varadhan,
Senior Counsel for
M/s. A. Arul Marry

O R D E R

This Criminal Original Petition is filed to transfer
the investigation in Crime No.5/2017 from the file of the 3rd
respondent to the file of 5th respondent.

2. There is no representation for the petitioner.
Heard the learned counsel for the intervenor as well as the
learned Additional Public Prosecutor appearing for the
contesting respondents.

3. The petitioner who is the Chairman and Member of
Child Welfare Committee, Chengalpet, Kancheepuram District has
come out with this application seeking indulgence of this Court
to transfer the investigation pending on the file of third

respondent to CBI, the sixth respondent herein. The contention raised in the petition is that the third respondent who was directed to register the complaint and investigate vide order of this Court in Crl.O.P.No.12446 of 2017 dated 13.07.2017, has not taken any steps with regard to the complaint and the investigation is very irresponsible and insensitive and they are acting with oblique motive. Hence, the investigation in Crime No.05/2017 on the file of the third respondent should be transferred to sixth respondent.

4. To ascertain whether the investigation is done properly or not, this Court directed the third respondent to file action taken report in respect of the investigation done so far. The third respondent has filed a detailed counter. Wherein, action taken during the course of investigation has been detailed. In the meanwhile, the Franciscan Sisters of St. Joseph represented by his President which is running the Assisi Illam has also filed an application to get himself impleaded as a party. In the affidavit, the facts involved in this case have been narrated in detail.

5. After considering the affidavit filed by the intervenor and counter filed by the third respondent, it appears that the issue has been brought to the notice of the Division Bench in W.A.No.670/2017, wherein the Division Bench of this Court has taken note of the best interest of the children who are in the custody and had appointed the learned Principal District Judge of Kancheepuram to look into the matter and submit his report. Further, the pendency of the investigation pursuant to the Crl.O.P.No.12446/17 has also been brought to the notice of the Division Bench and the Division Bench which has seized of the matter. While so, the petitioner herein without disclosing the fact regarding pendency of writ appeal No.670/2017 before the Division Bench and the interim order and direction passed by the Division Bench in the said writ appeal had preferred Crl.O.P.No.25686/2017, alleging that the third respondent is not investigating the complaint properly and he is irresponsible and insensitive to the issue. The very suppression of vital fact, more particularly, the pendency of lis between the petitioner and the Assisi Illam itself clearly indicates the deceptive approach of the petitioner. The counter filed by the third respondent clearly indicates that the investigation officer is conscious of the gravity of the crime and also abreast of the legal position and within the parameter of law and the direction of the Division Bench, he is conducting the investigation and hopeful to complete the investigation and file final report before the designated Court in due course. From his counter, it appears that so far he has examined 36 witnesses including the petitioner herein and other members of child welfare committee.

6. Therefore, I find no justification in the allegation made by the petitioner to transfer the investigation. Hence, the petition is dismissed. This Court restrains itself from imposing any cost on the petitioner with the fond hope that the petitioner will not hereinafter abuse the process of law and try to achieve his personal end through the judicial machinery.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

AT

To

1. The Commissioner of Police,
Chennai City Police,
EVK Sampath Road,
Vepery, Chennai - 600 007.
2. The Director General of Police,
Tamil Nadu Police, Head Quarters,
Dr.RK Salai, Mylapore,
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6. The Central Bureau of Investigation,
Plot No.5-B, 6th Floor,
CGO Complex, Lodhi Road,
Jawaharlal Nehru Stadium Marg,
New Delhi,
Delhi - 110 003.

7. The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s. A. Arul Marry, Advocate Sr.90560

Crl.O.P.No.25686 of 2017

GMI (CO)
EU(02/02/2018)



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