

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 04.08.2017****CORAM:****THE HONOURABLE MR.JUSTICE S.S.SUNDAR****CRL.O.P. (MD) No.10259 of 2017**

Muthurani

...Petitioner/
Defacto complainant

-Vs-

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2. The Deputy Superintendent of Police,
Srivilliputhur Sub-Division,
Srivilliputhur,
Virudhunagar District.

3. The Inspector of Police,
Kommappatti Police Station,
Koomapatti,
Virudhunagar District.
(Crime No.70 of 2017)

4. Raju,
The Sub-Inspector of Police,
Kommappatti Police Station,
Koomapatti,
Virudhunagar District.

...Respondents/
Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to direct the 1st respondent to transfer the investigation in Crime No.70 of 2017, pending on the file of the 3rd respondent herein to any other Superior Officer within the District or to the 2nd respondent herein on the basis of the petitioner's representation, dated 13.07.2017.

For Petitioner : Mr.A.Thiruvadi Kumar

For Respondents : Mr.K.Anbarasan

Government Advocate(Crl.Side)

O R D E R

This Criminal Original petition is filed to direct the 1st respondent to transfer the investigation in Crime No.70 of 2017,



pending on the file of the 3rd respondent herein to any other Superior Officer within the District or to the 2nd respondent herein on the basis of the petitioner's representation, dated 13.07.2017.

2. Heard Mr.A.Thiruvadi Kumar, learned counsel appearing for the petitioner and Mr.K.Anbarasan, learned Government Advocate (Criminal side) appearing for the respondents and perused the records.

3. The learned counsel for the petitioner submitted that on the basis of the complaint given by the petitioner, a case was registered in Crime No.70 of 2017 for the offences punishable under Sections 294(b) and 323 of IPC. The grievance of the petitioner is that though the complaint was given against five persons, the fourth respondent compelled the petitioner to delete the name of some of the individuals, who are also involved in the assault against the petitioner and proper investigation was not conducted in this case. In this circumstances, the petitioner has come forward with this petition to transfer the investigation.

4.The learned Government Advocate (Crl.Side) on instructions, would submit that the final report was filed and that therefore, this petition is not maintainable.

5. Considering the facts and circumstances of the case, without going into the merits of the contentions of the petitioner, this Court is of the view that the petitioner has not approached this Court immediately after the registration of the complaint was known to the petitioner, i.e., about two months back. Hence, this Criminal Original Petition is **dismissed**. However, liberty is given to the petitioner to work out her remedy in the manner known to law.

Sd/-

Assistant Registrar(writs)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
2. The Deputy Superintendent of Police,
Srivilliputhur Sub-Division,
Srivilliputhur, Virudhunagar District.
3. The Superintendent of Police,
Kommappatti Police Station,
Kommappatti, Virudhunagar District.



4. Raju,
The Sub-Inspector of Police,
Kommappatti Police Station,
Koomappatti,
Virudhunagar District.

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

+1cc to Mr.A.Thiruvadi Kumar, Advocate SR.No.70737

DAS/PJL

VB/KK/SAR4/17/08/2017/3P/7C

CRL.O.P. (MD) No.10259 of 2017
04.08.2017