



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.10.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

WEB COPY

Cr1.O.P.(MD) No.13460 of 2017

K.Pitchaya

... Petitioner/ Defacto Complainant

-Vs-

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

2.The Inspector of Police,
S.V.Mangalam Police Station,
Sivagangai District.
(Crime No.92 of 2016)

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, directing the first respondent to transfer the investigation from the file of the second respondent in Crime No.92 of 2016 to any other independent agency or officer under the direct supervision of the Superintendent of Police.

For Petitioner : Mr.G.Karuppasamy Pandiyan

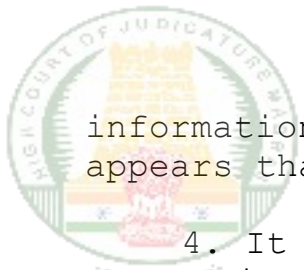
For Respondents : Mr.K.S.Durai Pandian,
Additional Public Prosecutor

O R D E R

This Criminal Original petition is filed to direct the first respondent to transfer the investigation from the file of the second respondent in Crime No.92 of 2016 to any other independent agency or officer under the direct supervision of the Superintendent of Police.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3.The petitioner states that his daughter namely, Kanchana aged about 16 years and studying in 12th standard committed suicide because of the sexual harassment and tortures. She has suffered at the hands of some individuals. Though the complaint given by the petitioner and registered in Crime No.92 of 2016, disclose several



information about the involvement of certain individuals, it appears that there was no progress.

4. It is stated by the learned counsel for the petitioner that no one in connection with the complaint was enquired by the second respondent so as to find the truth though the culprits have committed serious offences and caused the death of an young girl. The petitioner further states that the names of the three individuals were referred to in the complaint and they are responsible for the death of his daughter, the FIR was registered under Section 174 of Cr.P.C without referring to them as accused.

5. It is further stated that the petitioner has furnished some documents and SMS details of the accused to prove the involvement of the accused persons in the commission of offence, but the second respondent has not shown any interest. The learned counsel for the petitioner further states that there will not be any fair investigation if the second respondent continues to proceed with the investigation. The second respondent has not filed any counter before this Court.

6. Having regard to the serious allegations, this Court is not able to accept any explanation for the delay in filing charge sheet. The second respondent has not furnished the details of further investigation before this Court to consider the case on merits.

7. Considering the specific averments made in the petition, this Court is inclined to allow this petition. As a result, the Criminal Original Petition is allowed and the first respondent is directed to transfer the investigation from the file of the second respondent in Crime No.92 of 2016 to any other independent agency or officer under his direct supervision to conduct further investigation and to file a final report. The independent agency or officer, who has been entrusted with the investigation is directed to file a final report after completing the enquiry within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

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

<https://hcservices.ecourts.gov.in/hcservices/>

2. The Inspector of Police,
S.V. Mangalam Police Station, Sivagangai District.



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

+1cc to Mr.G.Karuppasamy Pandiyan., Advocate, SR. 82082

WEB COPY

Cr1.O.P.(MD) No.13460 of 2017
09.10.2017

CP/RMI

KK/SKN RSK/SAR 1/24.10.2017/ 3P- 5C/