



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.13565 of 2017

Deepa Gopal

: Petitioner

-Vs-

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2. The Inspector CBCID,
Nagercoil, No.7C,
Kurinji Street,
Ramanputhur,
Nagercoil-629 001.

3. The Inspector of Police,
Arumanai Police Station,
Arumanai Post,
Kanyakumari District.

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to direct the first respondent to withdraw the case in Crime No.246 of 2017 on the file of the Third Respondent and transfer the case to the second respondent or any other competent investigation agency.

For Petitioner : Mr.Hariprasad

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

O R D E R

This petition is filed for issuing a direction to the first respondent to withdraw the case in Crime No.246 of 2017 on the file of the Third Respondent and transfer the case to the Second Respondent or any other competent investigating agency.

2.The petitioner earlier has given a complaint to the third respondent about the receipt of two parcels sent to the petitioner's address by some miscreants for reasons unknown to the petitioner. When a complaint was lodged by the petitioner, it is also admitted that the third respondent registered a case in Crime No.246 of 2017



for the offences punishable under Sections 507, 509 of the Indian Penal Code read with Section 4 of the Tamil Nadu Prevention of Women Harassment Act. Thereafter, the matter is pending before the third respondent. Alleging that there was no further investigation, the petitioner has come forward with a prayer to transfer the investigation from the third respondent to the second respondent.

3.The learned counsel appearing for the petitioner submitted that the criminal case was investigated by an officer earlier by name Ashok and the said officer has almost completed the investigation and identified the persons who have committed the offence.

4.In the course of his argument, the learned counsel for the petitioner suggested that the petitioner would satisfy if a direction is issued to the Assistant Superintendent of Police concerned to direct to transfer the investigation to the same officer namely Mr.Ashok and to direct him to continue investigation and report the Assistant Superintendent of Police, Thuckalay.

5.The learned Additional Public Prosecutor was earlier directed to get instructions with regard to the submission of learned counsel appearing for the petitioner. Learned Additional Public Prosecutor has no objection for a direction to transfer the investigation to Mr.Ashok who was earlier conducting the investigation. Hence, this Court is inclined to pass the following direction:

The Superintendent of Police, Kanyakumari District, Nagercoil, is now in charge of the Thukalay Division is directed to transfer the investigation from the third respondent to Mr.Ashok, who was the Sub Inspector of Police and who had conducted the investigation earlier to proceed with the investigation under the supervision of the Superintendent of Police, Thuckalay and to file a final report, before the Judicial Magistrate Court concerned within a period of three months from the date of receipt of a copy of this order.

6.With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar



To

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
2. The Inspector CBCID,
Nagercoil, No.7C,
Kurinji Street,
Ramanputhur,
Nagercoil-629 001.
3. The Inspector of Police,
Arumanai Police Station,
Arumanai Post,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.M.P.HARI PRASAD, ADVOCATE IN SR No. 94555

VSG

TE/MR/SAR-3 : 18/01/2018 : 3P/6C

CRL.O.P.(MD)No.13565 of 2017
20.12.2017