



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.03.2017
CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

WEB COPY

Cr1.O.P.(MD) No.2393 of 2017

Mary Vimala (50/2017)
W/o. Elangovan @ Elango
S/o, Soosai Rathinam,
8/21, Palace Street,
5th Street, Kavalkinaru,
Tirunelveli District-627 105.

... Petitioner / Defacto complainant

-vs-

1.The State of Tamilnadu rep.through
its Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Deputy Superintendent of Police,
Valliyoor, Tirunelveli District.

3.The Inspector of Police,
Panakudi Police Station,
Panakudi, Tirunelveli District.
(Crime No.413 of 2016.

... Respondents 1 to 3

4.K. Balakrishnan,
Sub Inspector of Police,
Panakudi Police Station,
Panakudi,
Tirunelveli District.

...4th Respondent /Investigation
Officer (IO)

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to transfer the investigation of FIR in Crime No.413 of 2016 dated 18.11.2016, from the file of 3rd respondent police to 2nd respondent officer or to any other investigation officer not below the rank of Deputy Superintendent of Police (DSP) on the basis of the petitioner representation dated 21.02.2017.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.A.P.Balasubramani

**O R D E R**

This petition has been filed to transfer the investigation of FIR in Crime No.413 of 2016 dated 18.11.2016, from the file of 3rd respondent police to 2nd respondent officer or to any other investigation officer not below the rank of Deputy Superintendent of Police (DSP) on the basis of the petitioner representation dated 21.02.2017.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents.

3. Mr. K. Sheik Syed Hussain, Sub Inspector of Police, Panagudi Police Station, Tirunelveli District is present before this Court.

4. On the complaint given by the petitioner, the respondent police have registered a case in Crime No.413/2016 on 18.11.2016 under Sections 420, 294(b), 342, 506(ii) IPC against one Thomas and his wife, Sumathi. According to the petitioner, her husband was working in Saudi Arabia and he entered into an oral partnership with Thomas and together, they were doing real estate business. It is her further allegation that her husband had sent lot of money, which was given to Thomas, but he had misused the same. Therefore, the petitioner is before this Court on the allegation that the police are not properly conducting the investigation and is seeking transfer of investigation.

5. It is also seen that on the complaint given by one Shekar, the same police have registered a case in Crime No.28/2017 on 23.01.2017 against the petitioner and her husband Ilango on the ground that they had taken money from Shekar on the promise of getting a job in Saudi Arabia and cheated him.

6. On a reading of both the FIRs, this Court is of the view that there has been some transaction between the two parties and both of them are using the medium of police to settle their matters. Hence, it is not a fit case to transfer the investigation to any other agency. However, this Court directs the Deputy Superintendent of Police, Valliyoor Sub Division, to monitor the investigation in Panagudi Police Station Crime Nos.413/2016 and 28/2017 and take action in accordance with law.

7. With the above direction, this petition is disposed of.

Sd/-

Assistant Registrar (C.S-II)

/True copy/

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

Sub Assistant Registrar



To

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

2.The Deputy Superintendent of Police,
Valliyoor, Tirunelveli District.

3.The Inspector of Police,
Panakudi Police Station,
Panakudi, Tirunelveli District.

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

+1. CC to M/S.P.M.VISHNUVARTHANAN, Advocate SR.No.12674

Cr1.O.P. (MD) No.2393 of 2017
06.03.2017

JM/SV MMS/23.03.2017/3P/6C