



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2017

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD) No.4753 of 2017

Syed Ali Fathima : Petitioner / Defacto Complainant

Vs.

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

2.The State Represented by
The Inspector of Police,
Achanpudur Police Station,
Achanpudur,
Tirunelveli District.

(Crime No.27 of 2017) : 2nd Respondents / Complainant

Prayer:Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to pass an order directing the case in Crime No.27 of 2017 on the file of the Inspector of Police, Achanpudur Police Station, Achanpudur, Tirunelveli District along with the subsequent complaint as made in petition No.97 of 2017 dated 11.03.2017 on the file of the 2nd respondent Police to be withdrawn and transferred to any other investigating agency in the nearby Police station as fit and convenient to conduct proper unbiased and effective investigation and enquiry pertaining to the above forthwith.

For Petitioner : Mr.S.Palani Veluyutham

For Respondents : Mr.A.P.Balasubramani

Government Advocate (Crl.side)

O R D E R

On the complaint lodged by the petitioner, the respondent police has registered a case in Cr.No.27 of 2017 on 03.02.2017 for the offences under Sections 341, 323, 506(i) and 379 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, against Syedali and Mohamed Mooparies and two unknown others.

2.On a reading of the FIR, it is seen that the petitioner is a School Teacher and she was coming by Public Bus and going to School at 1.30 p.m., on 20.01.2017 and at that juncture, the accused intercepted her in a public place and by strangulating her

with Thuppatta had taken away her belongings. This had taken place in a public place, despite which, the police have not even taken any steps to prevent the accused. Therefore, the petitioner is before this Court for transfer the investigation.

3. On a perusal of the case diary, this Court finds that except recording the statement of the Doctors, who were treated the petitioner, the Sub Inspector of Police, Achenputhur police stations has not done any other investigation.

4. Taking into consideration the nature of the allegations in the FIR and the fact that the Sub Inspector has not done any serious investigation in the case, this Court allowed the petition by transferring the investigation in Cr.No.27 of 2017 from the file of the Sub Inspector of Police, Achenputhur Police Station to the file of Inspector of Police, Achenputhur Police Station. The Deputy Superintendent of Police, Tenkasi Sub Division shall monitor the investigation done by the Inspector of Police, Achenputhur Circle in Achenputhur Police Station in Cr.No.27 of 2017. The Sub Inspector of Police, Achenputhur Police Station is directed to hand over the case in Cr.No.27 of 2017 to the Inspector of Police, Achenputhur Police Station within one week from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
- 2 The Deputy Superintendent of Police,
Tenkasi Sub Division
3. The Inspector of Police,
Achanpudur Police Station,
Achanpudur, Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 cc to Mr.S.PALANIVELAYUTHAM, Advocate SR.No. 54395

Order made in
CRL.O.P. (MD) No.4753 of 2017

Dated:- 26.04.2017