



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2017

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

CrI.O.P.(MD) No.8888 of 2017

S.Dhanalakshmi

... Petitioner/De-facto
Complainant

-Vs-

1.The Superintendent of Police,
Pudukottai District.

2.The Inspector of Police,
K.Pudupatti Police Station,
Pudukottai District.
Crime No.99 of 2017.

3.The Superintendent of Police,
CBCID,
Thiruchy.

4.The Inspector of Police,
CBCID,
Pudukottai District.

...Respondents/Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to transfer the investigation in Cr.No.99 of 2017 dated 13.06.2017 pending on the file of the 2nd respondent to the file of the respondents 3 & 4 and to complete the investigation within the stipulated period.

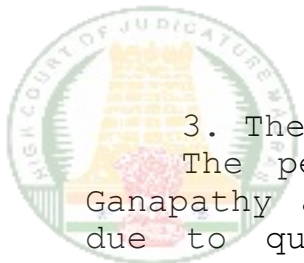
For Petitioner : Mr.P.Balamurugan

For Respondents : Mr.K.Anbarasan,
Government Advocate(CrI.side).

O R D E R

The petitioner has filed this petition to transfer the investigation in Cr.No.99 of 2017, dated 13.06.2017 pending on the file of the second respondent to the file of the respondents 3 & 4 and to complete the investigation within the stipulated period.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the respondents.
<https://hcservices.ecourts.gov.in/hcservices/>



3. The brief facts of the above case are as follows:

The petitioner is having two sons by name Thiyagarajan and Ganapathy and one daughter. The petitioner himself admitted that due to quarrel between the petitioner's younger son by name Ganapathy and a stranger, the petitioner's younger son was brutally attacked and in relation to that, the complaint was given. It is the grievance of the petitioner that though the accused caused serious cut injury to the petitioner's younger son on his head and her son's health condition was also seriously affected, the respondent police has not initiated the action against the accused. Further it is also the case of the petitioner that the second respondent, the Inspector of Police is hand in glove with the accused and therefore, no further progress. It was also alleged that the accused was not arrested in connection with the crime. It is further stated by the petitioner that unless there is a custodial interrogation of the real accused persons, the respondents will not be able to render justice.

4. Pursuant to the direction of this Court, a status report is filed by the second respondent denying each and every allegation of the petitioner. As a matter of fact, it is the case of the second respondent that he conducted effective investigation and that it is revealed only one person is involved in this crime for causing injuries sustained by the petitioner's son. It is specifically pointed out that due to ulterior motive, the petitioner has made unsubstantiated allegations, only to get revenge the family of accused by implicating the wife and sons of the accused unnecessarily.

5. Having regard to the specific stand taken by the second respondent and the allegations, this Court is of the view that the transfer of the investigation cannot be ordered merely on the basis of some allegation. No material is placed before this Court and this Court also cannot insist any such material, having regard to the nature of the allegations. Hence, this Court is of the view that this petition for transfer of investigation, merely on the basis of some allegations made by the petitioner against the second respondent. Hence, this petition is closed. However with the liberty to the petitioner to raise all his objections at the time of filing final report before the Competent Court and to seek appropriate remedy in the manner known to law.

Sd/-

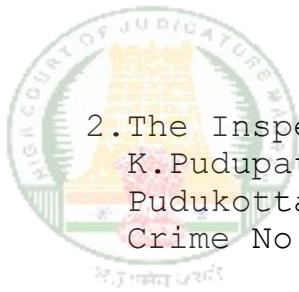
Assistant Registrar (WRITS)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Pudukottai District.



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Pudukottai District.
Crime No.99 of 2017.

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+1cc to Mr.P.BALAMURUGAN Advocate in SR. No.71210

MYR/SMI
JS/SKN.RSK/SAR.3/21.08.2017/ 3P-6C

Cr1.O.P.(MD) No.8888 of 2017
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