



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2017

CORAM :

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

CRL.O.P.(MD)No.9942 of 2017

Maria Thangam

: Petitioner

-Vs-

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

2. The Deputy Superintendent of Police,
Thuckalay,
Kanyakumari District.

3. The State rep by
The Inspector of Police,
Kotticode Police Station,
Kanyakumari District.

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to direct the first respondent to transfer the investigation in Crime No.121 of 2014 on the file of the third respondent police to any other competent authority under the supervision of the second respondent.

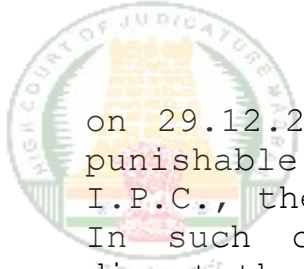
For Petitioner : Mr.S.C.Herold Singh

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

O R D E R

This petition is filed for issuing a direction to the first respondent to transfer the investigation in Crime No.121 of 2014 on the file of the third respondent police to any other competent authority under the supervision of the second respondent.

2.The petitioner earlier gave a complaint and the same was registered in Crime No.121 of 2014. The case was registered as against the named individuals for the occurrence which occurred



on 29.12.2013. Though the case was registered for the offences punishable under Sections 147, 447, 294(b), 417 and 506(ii) of I.P.C., there was no progress despite almost 2½ years have lapsed. In such circumstances, the petitioner filed this petition to direct the first respondent to transfer the investigation in Crime No.121 of 2014 on the file of the third respondent police to any other competent authority under the supervision of the second respondent.

3.The learned Government Advocate (Crl. Side) appearing for the respondents, on instructions, submitted that the case may be transferred to the Deputy Superintendent of Police, Thuckalay or any other officer, as he has no materials to convince this Court for the delay. Though the learned Government Advocate (Crl. Side) has received some information about the closure of the criminal complaint, he himself would hesitate to press into service such closure report for obvious reasons. In such circumstances, taking into account the nature of the complaint given by the petitioner and the attitude of the third respondent / the Inspector of Police, Kotticode Police Station, Kanyakumari District, this Court is inclined to allow this petition. Accordingly, this Criminal Original Petition is allowed. The first respondent is directed to transfer the investigation in Crime No.121 of 2014 from the file of the third respondent police to the Deputy Superintendent of Police, Thuckalay, Kanyakumari District or any other officer, who shall undertake further investigation and file a report within a period of four months from the date of receipt of a copy of this order. The third respondent is directed to hand over the papers to the new investigation officer, forthwith.

Sd/-

Assistant Registrar(RTI)

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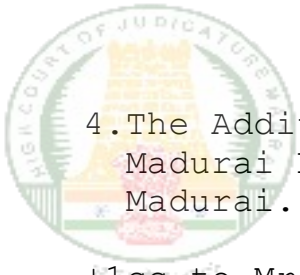
Sub Assistant Registrar

To

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

2. The Deputy Superintendent of Police,
Thuckalay,
Kanyakumari District.

3. The Inspector of Police,
Kotticode Police Station,
Kanyakumari District.



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

+1cc to Mr.S.C.Herold Singh, Advocate in SR.No.73278

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AE/MR KKR/SAR3/29.08.2017/3P/6C

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