



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P(MD)No.12022 of 2017

and

W.M.P (MD) .Nos.9250 and 9251 of 2017

R.Kamalaveni

... Petitioner

Vs.

1. The Government of Tamil Nadu,
represented by the Home Secretary,
Department of Home,
Secretariat, St. George Fort,
Chennai - 9.
2. The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Karur District.
4. The Deputy Superintendent of Police,
CBCID, B.B. Kulam, Madurai District.
5. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Karur Division, Karur District.
6. The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.

(Crime No.432 of 2017)

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court for issuance of a Writ of Mandamus, directing the third respondent to transfer the case in Crime No.432 of 2017, dated 07.06.2017 on the file of the sixth respondent and entrust the same to the fourth respondent for investigation of the case by a competent officer within the time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash for Mr.T.Lajapathi Raoy

For Respondents: Mr.T.S.Mohammed Mohideen

Additional Government Pleader

O R D E R

The writ petition has been filed for a direction to the third respondent to transfer the case in Crime No.432 of 2017, dated 07.06.2017 on the file of sixth respondent and entrust the same to the fourth respondent for investigation of the case by a competent officer within the time stipulated by this Court.

2. Mr.I.Pinaygash, counsel appearing for the petitioner, and Mr.T.S.Mohammed Mohideen, Additional Government Pleader appearing for the respondents.

3. Today, Mr.S.Palanisamy, Special Sub Inspector of Police, Pasupathipalayam Police Station, Karur is present before this Court.

4.The petitioner's husband was brutally murdered on 07.06.2017, in connection with which, the sixth respondent has registered a case in Crime No.432 of 2017 under Section 320 IPC and the investigation is in progress. While so, the petitioner, not being satisfied with the progress of investigation, has filed the present petition for transfer of investigation.

5. In the considered opinion of this Court, the offence had taken place only on 07.06.2017 and the Case Diary shows that the Police have arrested one of the accused. At this juncture, if the respondent Police are directed to file a status report, they will be forced to disclose certain information, which will have to be kept as secret, as that may alert the accused and he may efface the evidence. Therefore, this Court perused the Case Diary and observed that investigation is going on in right lines, as of now and hence, this is not a fit case to transfer the investigation at this stage. However, the third respondent/Deputy Superintendent of Police, Karur Division, is directed to monitor the investigation in Crime No.432 of 2017.

6. With the above observation and direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Home Secretary,
The Government of Tamil Nadu,
Secretariat, St. George Fort,
Chennai - 9.



2. The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Karur District.
4. The Deputy Superintendent of Police,
CBCID,
B.B. Kulam,
Madurai District.
5. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Karur District.
6. The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.
(Crime No.432 of 2017)
7. The Deputy Superintendent of Police,
Karur Division, Karur.
8. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s. T.LAJAPATHI ROY, Advocate, SR No. 62808.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 62887.

KM/RR

PSM/KP/SAR1/19.07.2017/3P/11C

W.P(MD)No.12022 of 2017
29.06.2017