

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P. No.10756 of 2018

Chandra Sekar

.. Petitioner

. Vs .

1. The State rep. by
The Superintendent of Police,
Vellore, Vellore District.

2. The Inspector of Police,
Kandili Police Station,
Vellore District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent police to transfer the investigation in Crime No.15/2018, pending on the file of the 2nd respondent police to the Inspector of Police, C.B.C.I.D., Vellore, Vellore District.

For Petitioner : Mr.E.Kannadasan

For Respondents : Mr.M.Mohamed Riyaz, APP

ORDER

This Criminal Original Petition has been filed seeking to transfer the investigation in Crime No.15/2018, pending on the file of the 2nd respondent Police.

2. The petitioner's daughter went missing from 13.01.2018. Based on the complaint given by the petitioner, the respondent Police registered an FIR in Cr.No.15 of 2018, as a Girl Missing case. The learned counsel would submit that the petitioner had suspected certain persons to be behind the death of the petitioner's daughter and in spite of giving their names, the respondent Police had not taken any steps to arrest the accused persons and effectively conduct the investigation. Therefore, the present petition has been filed seeking for transfer of investigation.

3. The Learned Additional Public Prosecutor on instructions would submit that even though, initially the FIR was registered

as a Girl Missing case, subsequently the same was altered under Section 174 of Cr.P.C. on 15.01.2018. The Investigating Officer had visited the scene of occurrence, and had also prepared the Rough Sketch and Observation Mahazar in the presence of the witnesses. The learned Additional Public Prosecutor would further submit that the Investigating Officer has examined nearly 12 witnesses. In the course of the investigation, the FIR was again altered into an offence under Section 305 of IPC. The learned counsel further submitted that the Viscera

Report and the Final Opinion of the doctor is awaited in this case. The learned counsel would further submit that the respondent Police will take effective steps against the accused persons will complete the investigation within a reasonable time.

4.The Sub Inspector of Police of the 2nd respondent Police Station has also filed a counter affidavit before this Court, and he has explained in detail the various steps that were taken by the Investigating Officer to examine witnesses and to collect the materials during the course of investigation.

5.This Court has carefully considered the submissions made on either side and also perused the materials placed on record. From the submissions made by the learned Additional Public Prosecutor as well as the counter filed by the 2nd respondent, it is seen that there is some progress in the investigation, and the respondent Police is making efforts to bring to book the accused persons. The real cause of death will get revealed only after the receipt of the Viscera Report and the Final Opinion from the doctor. This Court is not inclined to interfere with the investigation at this stage.

6. This Criminal Original Petition is disposed of, with a direction to the 2nd respondent Police to complete the investigation effectively and to file a Final Report within a period of three months from the date of receipt of a copy of the order.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

KP

To

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

2.The Inspector of Police,
Kandili Police Station,
Vellore District.

3.The Additional Public Prosecutor,
High Court of Madras,
Madras.

+1 cc to Mr.E.Kannadasan, Advocate Sr.No.85181

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CSL/19.12.2018



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