

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.17035 of 2018

Vanajavathi

... Petitioner

Vs.

The State

Rep. by Inspector of Police,
All Women Police Station,
Thirumangalam, Chennai.

.... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the investigation in Crime No.4 of 2018 from the file of the respondent to some other agency or officer for investigation, progress and disposal in accordance with law.

For Petitioner : Mr.R.Srinivas
For Respondent : Mr.C.Raghavan, GA

O R D E R

This Criminal Original Petition has been filed seeking direction to transfer the investigation in Crime No.4 of 2018 from the file of the respondent to some other agency or officer for investigation, progress and disposal in accordance with law.

2.Heard the learned counsel for the petitioner; the learned Government Advocate appearing for the respondent and perused the materials placed on record.

3.Today, Ms.A.Vimala Selva Rani, WHC 35855, W-8 AWPS, Thirumangalam, Chennai is present before this Court.

4.On the complaint lodged by the petitioner, the respondent Police have registered a case in Crime No.4 of 2018 on 02.02.2018 under Section 498A IPC against Murugan. Not satisfied with the progress of investigation, this petition has been filed with the above prayer.

5.Mr.Srinivas submitted that the petitioner was married to the accused in the year 1991 and they have two children through the wedlock, one of whom, suffers from certain heart ailment. It is the specific allegation of the petitioner that Murugan has contracted relationship with another lady and is assaulting the de facto complainant and asking her to settle the two flats in his name.

6.Learned counsel further contended that the present Investigating Officer is taking sides with Murugan and is exhorting the petitioner to comply with the illegal demand.

7.Per contra, learned Government Advocate refuted the contentions and submitted that the petitioner is not cooperating with the investigation.

8.This Court gave its anxious consideration to the rival submissions. Taking into consideration the nature of allegations in the FIR, this Court is of the view that this is not a fit case to transfer the investigation to any other agency. However, the Assistant Commissioner of Police, in charge of Thirumangalam AWPS is directed to monitor the investigation in Crime No.4 of 2018. The Police shall not interfere with the property rights of the parties and the scope of investigation shall be, as to whether the offence alleged has been committed by the accused against de facto complainant.

With the above direction, this petition is ordered accordingly.

Sd/-
Assistant Registrar(CO)

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Sub Assistant Registrar

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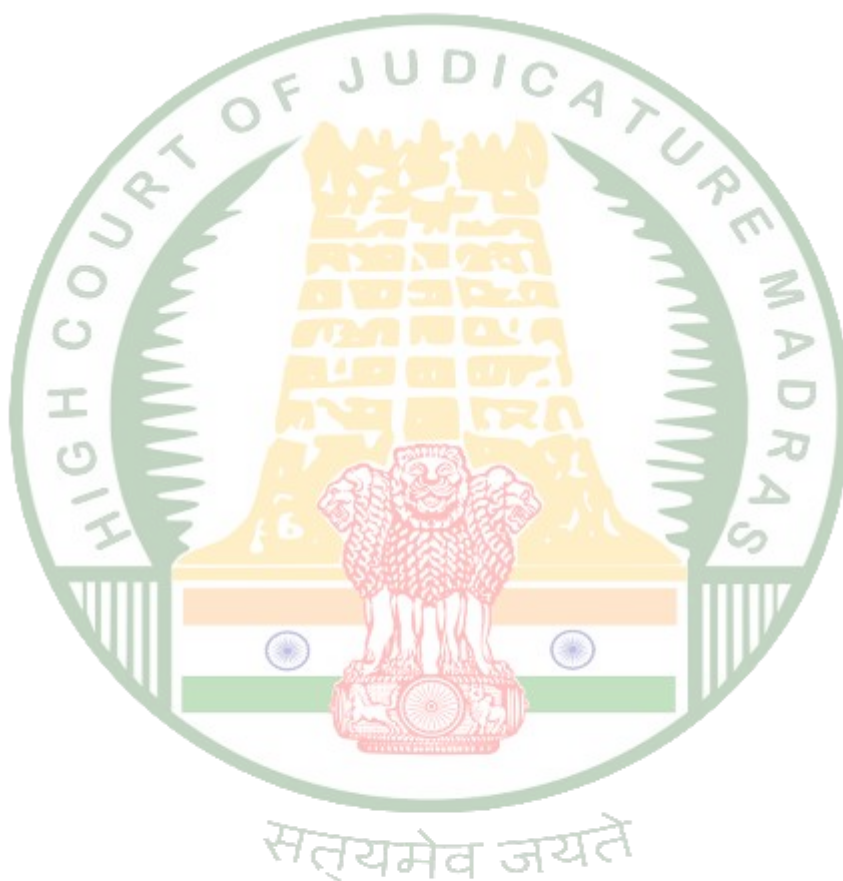
1.The Assistant Commissioner of Police,
in charge of Thirumangalam AWPS,
Chennai.

2.The Inspector of Police,
All Women Police Station,
Thirumangalam, Chennai.

3.The Public Prosecutor,
High Court, Madras.

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