

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.19148 of 2018

M.Babu .. Petitioner

Vs

- 1.The Superintendent of Police,
Namakkal District.
- 2.K.Kulasekaran,
The Inspector of Police cum investigation officer,
Namakkal Police Station,
Namakkal District. .. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to direct the 1st respondent to change the investigation
officer in Crime No.597 of 18 and investigate the matter in
accordance with law.

For Petitioner : Mr.G.Prabhu

For Respondents : Mr.C.Raghavan, Govt. Advocate

O R D E R

This Criminal Original Petition has been filed to direct the
1st respondent to change the Investigating Officer in Crime
No.597 of 2018.

2.Heard the learned counsel appearing for the petitioner and
the learned Government Advocate appearing for the respondents.

3.The petitioner filed CMP.No.7318 of 2018 before the
Judicial Magistrate No.I, Namakkal under Section 156[3] Cr.P.C.
and on the directions of the learned Magistrate dated
09.07.2018, the 2nd respondent has registered a case in Crime
No.597 of 2018 on 19.07.2018 under Section 506[i] IPC and
Section 3 of POCSO Act. While so, the petitioner has filed the
present petition for transfer of investigation on the ground
that the 2nd respondent is biased. It is the allegation of the
petitioner that his 17 year old nephew by name Ameer Basha was
sexually abused by Sheik Naveeth, head of the local Mosque.

4. In the opinion of this court, the petitioner has not placed any credible materials to show that the 2nd respondent is biased. Therefore, this Court cannot act under the presumption that the investigation is not being properly conducted and order transfer. It is the duty of the Police to thoroughly investigate the complaint and if it is found that the allegations are false, it is open to them to file a Closure Report.

5. Under such circumstances, this Court directs the Deputy Superintendent of Police, in charge of Namakkal Police Station to monitor the investigation that is being conducted by the 2nd respondent in Crime No.597 of 2018 and expeditiously complete the investigation and file a Closure Report or a Final Report as the case may be under due intimation to the de facto complainant.

With the above direction, this petition is closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

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To

1. The Superintendent of Police,
Namakkal District.
2. The Public Prosecutor,
High Court, Madras.
3. The Deputy Superintendent of Police
Namakkal Police Station
Namakkal.

+1 CC to Mr.G. Prabhu, Advocate sr 52093.

CRL.OP.No.19148 of 2018

SP(11/08/2018)