

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2018

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.28548 of 2018

and

Crl.M.P.No.16621 of 2018

A.Nisha Christy

...Petitioner

-Vs-

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

2.Deputy Commissioner of Police,
Ambattur.

3.The Inspector of Police,
W-29, All Women Police Station,
Avadi, Chennai.

4.K.Alexander

... Respondents

Prayer: Criminal Original petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent to transfer the case from the All Women Police Station at Thanjore in Crime No.06 of 2018 to the third respondent.

For Petitioner : Mr.K.Nagarajan
For R1 to R3 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to transfer the case in Crime No.6 of 2018 from the file of the All Women Police Station, Thanjore to the file of the All Women Police Station, Avadi.

2.It is seen from the records that the petitioner was married to the fourth respondent on 19.11.2014. There was a matrimonial dispute between the parties. It is the case of the

petitioner that the fourth respondent had taken the petitioner to Kuwait on 25.07.2015 under visitors visa for four months. Even there, the petitioner was treated with cruelty. Thereafter, the petitioner was sent away from matrimonial house.

3.The petitioner gave a complaint on 12.11.2015 before the second respondent police. A preliminary enquiry was also conducted by the All Women Police Station, Avadi and an F.I.R. was also registered in Crime No.1 of 2018 on 01.02.2018. After the registration of the F.I.R., the husband of the petitioner was also called for enquiry during investigation. However, subsequently, the F.I.R. was unilaterally transferred to the file of the All Women Police Station, Thanjore and it was assigned Crime No.6 of 2018.

4. The learned counsel for the petitioner would submit that the case diary was transferred to the Thanjore Police Station only on the ground that the fourth respondent is residing in Thanjore. According to the petitioner, in view of the transfer, the entire investigation has come to a standstill and the petitioner who is resident of Avadi is not in a position to pursue further with the remedy.

5. In the facts and circumstances of the case, this Court is of the considered view that the investigation must continue before the third respondent police. By transferring the entire case diary to the All Women Police Station, Thanjore, the petitioner has been denied her right to pursue further with the criminal case.

6. The All Women Police Station, Thanjore is directed to immediately send the entire case diary in Crime No.6 of 2018 to the Inspector of Police, W-29 All Women Police Station, Avadi, within a period of ten days from the date of receipt of copy of this order. Immediately on receipt of the entire case records, the third respondent shall proceed with the investigation in accordance with law.

6. Accordingly, this Criminal Original Petition is disposed of with the above direction. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

LPP/vsa

To

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

2.Deputy Commissioner of Police,
Ambattur.

3.The Inspector of Police,
W-29, All Women Police Station,
Avadi, Chennai.

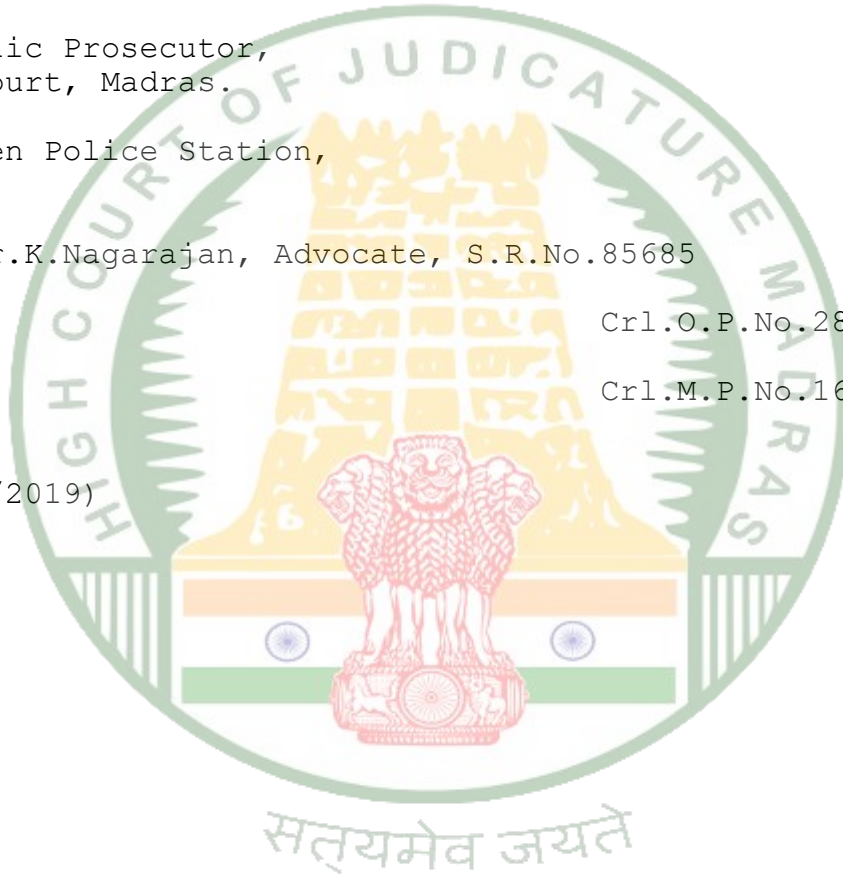
4.The Public Prosecutor,
High Court, Madras.

5.All Women Police Station,
Thanjore.

+1cc to Mr.K.Nagarajan, Advocate, S.R.No.85685

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PA(CO)
GSP(07/01/2019)



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