

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 23.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.27138 of 2018

Mrs.Punitha

... Petitioner

Vs.

1. The Inspector of Police,
Thiruvallur Police Station,
Tiruvallur District,
Crime No.391 of 2018.
 2. The Superintendent of Police,
Office of the Superintendent of Police,
Tiruvallur District.
 3. The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Tiruvallur District.
- ... Respondents

For Petitioner : Mr.M.Jaikumar

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor.

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to transfer the FIR pending in Crime No.391 of 2018 dated 18.07.2018 from the file of the first respondent police to CBCID, Thiruvallur district for investigation.

ORDER

This petition has been filed seeking for transfer of the investigation pending in Cr.No.391 of 2018 on the file of the first respondent police.

2. It is seen from the records that FIR was registered by the first respondent under Section 174 of Cr.P.C on 18.07.2018. Thereafter, the petitioner approached this Court seeking for transfer of investigation. This Court by an order dated 21.08.2018 specifically held that it is not a fit case to transfer the investigation to any other agency and this Court

directed the Deputy Superintendent Police, Thiruvallur to monitor the investigation.

3. Pursuant to the order passed by this Court, the FIR has also been altered to an offence under Section 302 IPC and the investigation is pending.

4. The learned counsel for the petitioner would submit that the respondent police have not taken any action in this case and no statements have been recorded by the respondent police. The learned counsel would further submit that the entire incident/actual crime has been captured in C.C.T.V footage and the same has also been handed over to the first respondent and in spite of the same, the first respondent has not arrested the main accused persons. The learned counsel would further submit that the accused is a powerful person in the locality and therefore, no action is taken against him.

5. The learned Additional Public Prosecutor on instructions would submit that the case is now monitored by the Deputy Superintendent of Police, Thiruvallur, pursuant to the direction passed by this Court on 21.02.2018. The very fact that the FIR has been altered into Section 302 IPC shows that there is an effective investigation in this case and the apprehension raised by the petitioner is unfounded. The learned Additional Public Prosecutor would further submit that the investigation is going on and the statements are recorded from witnesses and there is no need to transfer the investigation in this case.

6. This Court has already passed an order on 21.08.2018 wherein, this Court found that it is not a fit case to transfer the investigation to any other agency. This Court has directed the Deputy Superintendent of Police, Thiruvallur to monitor the investigation. Thereafter, the FIR has also been altered by adding offence under Section 302 IPC. This Court also records the submissions made by the learned Additional Public Prosecutor to the effect that an effective investigation has been done by the first respondent under the supervision of the Deputy Superintendent of Police, Thiruvallur.

7. In the course of investigation, if the respondent police is able to get sufficient materials against the accused person, respondent police shall arrest the concerned accused persons, since the offence involved is under Section 302 IPC. This Court cannot give any positive direction in this regard and it is best left to the investigating agency.

8. In view of the above, this Court does not find any ground to transfer the investigation and the first respondent is directed to continue the investigation with due monitoring done by the Deputy Superintendent of Police, Thiruvallur and take action against the accused person in accordance with law and complete the investigation as expeditiously as possible and file a final report before the concerned Court.

9. This Criminal Original Petition is disposed of with the above direction.

dss

Sd/-

Assistant Registrar(CS vii)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Thiruvallur Police Station,
Tiruvallur District.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Tiruvallur District.
3. The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Tiruvallur District.
4. The Inspector of Police,
CBCID, Tiruvallur District.
5. The Public Prosecutor,
Madras High Court, Madras.

+1cc to Mr.M.Jaikumar , Advocate SR.No. 80029

Cr1.O.P.No.27138 of 2018

ASK(27/11/2018)