

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.27264 of 2018
and
Crl.M.P.No.15742 of 2018

Kanchana Devi

... Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai City Police,
Veppery, Chennai-600 007.
2. The Inspector of Police,
W-13, All Women Police Station,
Old Washermenpet,
Chennai-600 021.
(Crime No.8 of 2018)
3. The Inspector of Police,
C.B.C.I.D., Chennai.
4. The Inspector of Police,
Central Crime Branch, Chennai. ... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the first respondent to transfer the investigation of the above case in Crime No.8 of 2018 from the file of the Inspector of Police, W-13, All Women Police Station, Old Washermenpet, Chennai-21 to any other investigating agency having competent jurisdiction to investigate the matter for proper investigation and report.

For Petitioner : M/s.N.Sathiyakala
For R1 to R4 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor.

ORDER

This petition has been filed seeking for transfer of investigation in Crime No.8 of 2018, which is pending on the file of the second respondent.

2. The petitioner is the wife and based on the complaint given by the petitioner, FIR has been registered by the second respondent for an offence under Section 498 (A) of IPC. The grievance of the petitioner is that the accused person has committed the offence under Section 494 IPC but the same has

not been included in the FIR. Therefore, this petition has been filed seeking for transfer.

3. The learned Additional Public Prosecutor would submit that the investigation is pending before the second respondent and if in the course of the investigation, the second respondent is able to collect materials which will establish the offence of bigamy, the same will also be included by altering in the FIR or at the time of filing a final report.

4. Admittedly, in this case, the investigation is pending before the second respondent. For the purpose of establishing offence of bigamy, the respondent police has to get prima facie materials to prove that there was a second marriage. Therefore, the respondent police have to necessarily collect materials in that regard. If such materials are collected by the second respondent in the course of investigation, the second respondent can always alter the FIR by adding Section 494 IPC or the second respondent can add the said offence at the time of filing of final report.

5. This Court does not want to interfere with the investigation at this stage and the second respondent shall proceed with the investigation and based on the materials collected by the second respondent in the course of investigation, the second respondent can take an appropriate decision to alter the FIR by adding the appropriate offence.

6. This Criminal Original Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

dss

To

1. The Commissioner of Police,
Greater Chennai City Police,
Veppery, Chennai-600 007.
2. The Inspector of Police,
W-13, All Women Police Station,
Old Washermenpet,
Chennai-600 021.

3. The Inspector of Police,
C.B.C.I.D., Chennai.

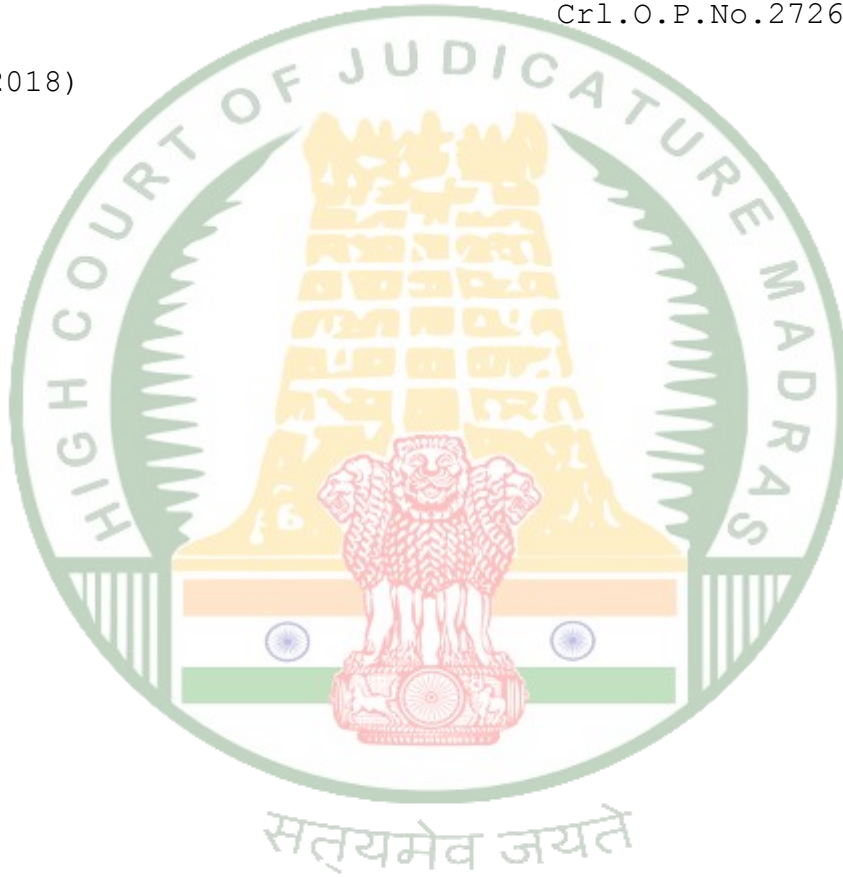
4. The Inspector of Police,
Central Crime Branch,
Chennai.

5. The Public Prosecutor,
Madras High Court, Madras.

+ 1 cc to M/s. Sathiyakala, Advocate Sr.80260

Crl.O.P.No.27264 of 2018

EU(05/12/2018)



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