

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.27998 of 2018

K. Megaram

...Petitioner

Versus

1. The Superintendent of Police,
Superintendent Office,
Kancheepuram District.

2. The Inspector of Police,
S-7, Madipakkam Police Station,
Madipakkam, Chennai.

3. B. Suresh

4. M. Baburam

5. B. Sukhi Devi

6. B. Kanchan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent herein i.e. the Superintendent of Police, Kancheepuram to transfer the FIR No.304 of 2018 dated 18.07.2018 pending on the file of the second respondent to any other investigation officer for further investigation and consequently direct to him to reinvestigate the case and to alter the Section in FIR i.e. to include Section 498(A) and 306 IPC, pending on the file of the second respondent.

For Petitioner : Mr.P.Suresh

For Respondents : Mr.M.Mohamed Riyaz for R1 & R2
Additional Public Prosecutor

O R D E R

This petition has been filed by the petitioner seeking for transfer of the investigation in Crime No.304 of 2018, pending before the second respondent.

2. The learned counsel for the petitioner would submit that the petitioner's daughter had committed suicide due to the cruelty and harassment meted out to her by the respondents 3 to 6. The petitioner's daughter committed suicide on 19.07.2018. Thereafter, the petitioner had given a complaint before the respondent police and an F.I.R. was registered under Section 174 of Cr.P.C.

3. The learned counsel for the petitioner would submit that there has been no progress in the investigation and the F.I.R. has not been altered and no action has been taken against the concerned accused persons. Therefore, the present petition has been filed to transfer of investigation.

4. The learned Additional Public Prosecutor, on instructions, would submit that in the course of investigation, the F.I.R. has been altered by adding an offence under Section 306 of IPC as against four named accused persons. The learned counsel would further submit that the accused persons have already approached the appropriate Court and obtained anticipatory bail. The learned counsel further submitted that the case is under effective investigation and final report will be filed as expeditiously as possible.

5. The learned counsel for the petitioner, in response, would submit that the accused persons who having committed a grave crime, have been let out easily by way of anticipatory bail, since the police did not effectively contest the anticipatory bail petition.

6. This Court has carefully considered the submissions made on either side. This Court does not find any ground for transfer of investigation in this case. The respondent police have already altered the F.I.R. for an offence under Section 306 of IPC against the four named accused persons. The investigation is going on and an undertaking has been given that the investigation will be completed and a final report will be filed as expeditiously as possible.

7. With regard to contentions made by the learned counsel for the petitioner, about the accused persons being let out on bail, it is always open to the petitioner, as the defacto complainant to file an appropriate petition before the concerned Court seeking for cancellation of bail, if there are supervening circumstances which were not brought to the notice of the Court at the time of considering the petition for anticipatory bail.

8. This Criminal Original Petition is disposed of with the above directions.

Sd/-
Assistant Registrar(J)

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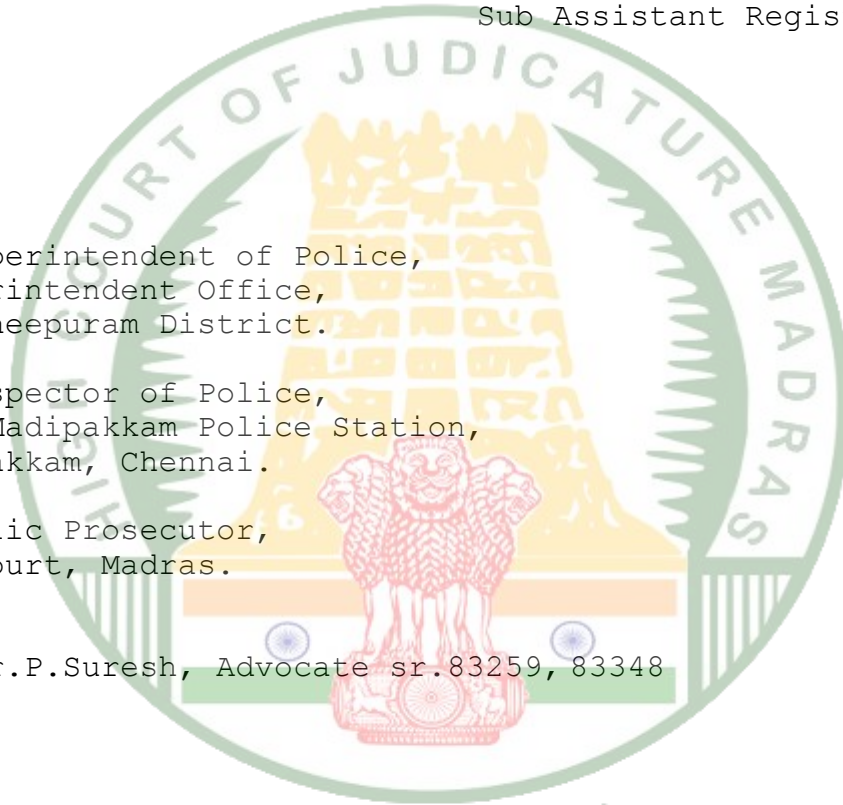
Sub Assistant Registrar

rli/kal

To

1. The Superintendent of Police,
Superintendent Office,
Kancheepuram District.
2. The Inspector of Police,
S-7, Madipakkam Police Station,
Madipakkam, Chennai.
3. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.P.Suresh, Advocate sr.83259, 83348



सत्यमेव जयते

CRL.O.P.No.27998 of 2018

srg 17/12/2018

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