

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.29182 & 29183 of 2018
and Crl.M.P.Nos.17094, 17101 & 17099 of 2018

A.Sritharan ...Petitioner/Accused-I in
Crl.O.P.No.29182/18

1.A.Sritharan

2.A.Tamizharasan ...Petitioners/Accused 1&2 in
Crl.O.P.No.29183/18

Vs.

1.The State of Tamil Nadu rep by
Sub-Inspector of Police,
Tittagudi Police Station,
Tittagudi Cuddalore. ... Respondent /Complainant

2. The Inspector of Police,
Crime Branch-CID,
Cuddalore District,
Cuddalore. ...Respondents on both Crl.O.Ps

COMMON PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to transfer the FIR in Cr.Nos.157 and 156/2018 Respectively now pending on the file of 1st respondent herein to the file of the 2nd respondent herein.

For Petitioners in both Crl.O.Ps : Mr.R.C.Paul kanagaraaj
For Respondents in both Crl.O.Ps : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

COMMON ORDER

These petitions have been filed seeking for transfer of investigation in Crime No.156 and 157 of 2018, which is now pending before the first respondent police.

2 The learned counsel for the petitioners would submit that the first respondent himself is the defacto complainant in Crime Nos.156 & 157 of 2018 and therefore, no fair investigation can be expected to be conducted in both the crime numbers. The learned counsel would further submit that there was an earlier complaint in Crime.No.21 of 2018, which involved an offence of kidnapping. Since, the FIR was not properly investigated, the petitioners have gone to the superior police officer complained against the

jurisdictional Inspector of Police and therefore, the first respondent is foisting one case after another against these petitioners.

3 The learned counsel for the petitioners further submit that the petitioners are not trying to avoid investigation in this case. Only an attempt is being made to ensure a neutral person to investigate the case in order to find out the real truth.

4 The learned Additional Public Prosecutor would fairly submit that the investigation can be conducted by a neutral officer, since there are allegations made against the first respondent police.

5 In the facts and circumstances of the case, the investigation in Crime Nos.156 and 157 of 2018, which is now pending before the first respondent police is hereby transferred to the Deputy Superintendent of Police, Cuddalore. The first respondent shall hand over the entire case diary to the Deputy Superintendent of Police of Cuddalore, within a period of two weeks from the date of receipt of a copy of this order. Immediately, on receipt of the case diary, the Deputy Superintendent of Police, Cuddalore shall proceed further with the investigation. This investigation shall be monitored by the Superintendent of Police, Cuddalore District. The Deputy Superintendent of Police is directed to effectively to investigate the case and file a final report as expeditiously as possible. The petitioners are given liberty to move the appropriate Court seeking for the return of vehicle.

6 With the above directions, these Criminal Original Petitions are ordered accordingly. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

mpa/rpl

To

1.The Superintendent of Police,
Cuddalore District.

2.The Deputy Superintendent of Police,
Cuddalore.

3.The Sub-Inspector of Police,
Tittagudi Police Station,
Tittagudi, Cuddalore

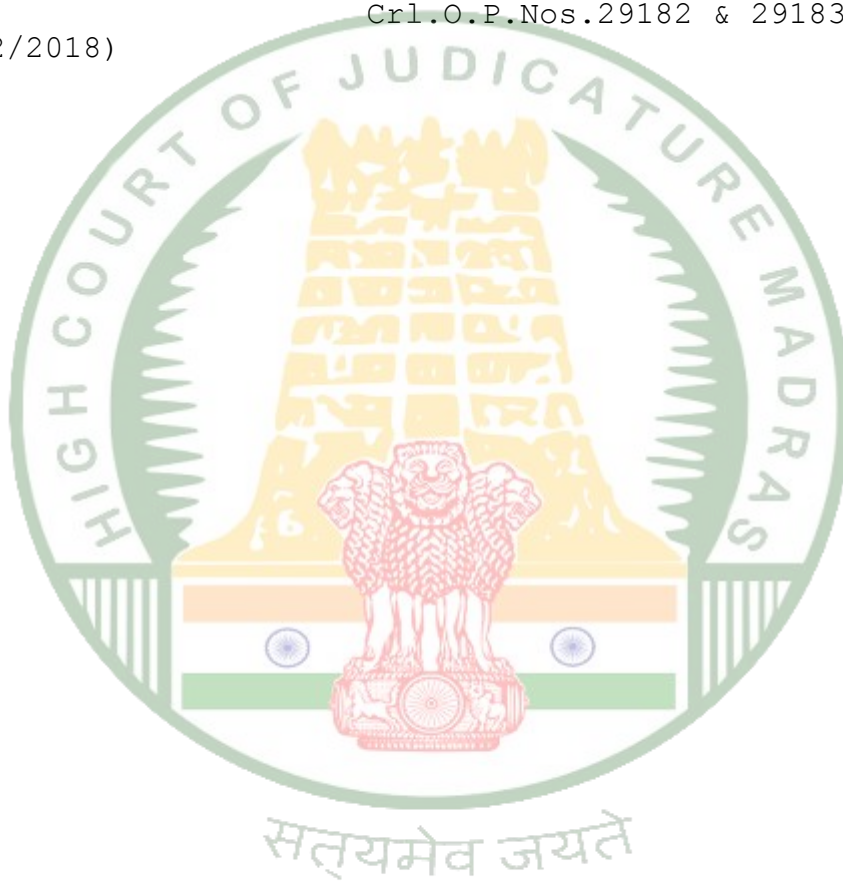
4. The Inspector of Police,
Crime Branch-CID,
Cuddalore District,
Cuddalore

5.The Public Prosecutor,
High Court, Madras.

+2cc to Mr. R.C.Paul kanagaraj, Advocate SR.No. 86324,86325

Crl.O.P.Nos.29182 & 29183 of 2018

ASK(17/12/2018)



WEB COPY