



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.1107 of 2018

M.Ranjitham

... Petitioner

-vs-

1. The Inspector General of Police,
South Zone,
Madurai.

2. The Superintendent of Police,
Theni District.

3. The Superintendent of Police,
CBCID,
Chennai.

4. The Inspector of Police,
Cumbam North Police Station,
Theni District.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to transfer the case in Crime No.764 of 2017, on the file of the fourth respondent Police Station to the third respondent so as to enable him to appoint an upright investigating officer for fair and unbiased investigation.

For Petitioner : Mr.D.Sasikumar

For Respondents : Mr.Prabu Ramachandran
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, to transfer the investigation from the fourth respondent to third respondent in Crime No.764 of 2017.

2.The learned counsel appearing for the petitioner has submitted that the petitioner's husband is running a pawn broker shop in Cumbam Town. He further submitted that one Head Constable by name Manikandan came with one Murugan, who is the habitual offender and insisted the petitioner's husband to handover eight



sovereign gold ornaments, it was alleged to have been pledged by the said Murugan. He further submitted that subsequently, on two occasions also the policemen came with the said Murugan and received jewels from the petitioner's husband and thereafter on 18.11.2017 the above said Murugan and his wife and his son trespassed into the petitioner's house and snatched away three sovereign gold chain from the petitioner and also assaulted the petitioner and hence a complaint has been lodged by the petitioner before the fourth respondent. Based on that a case has been registered in Crime No.764 of 2017 under Sections 448, 322, 323, 379 and 506(ii) I.P.C., but, subsequently, the fourth respondent has not properly investigated the case and hence he requests this Court to transfer the investigation to the third respondent.

3.The learned Government Advocate (Crl.Side) has submitted that the fourth respondent has investigated the matter and referred the matter as Mistake of Fact on 20.11.2017 and a report has been filed before the Jurisdictional Magistrate to that effect.

4.By way of reply the learned counsel for the petitioner has submitted that no notice has been served on the petitioner with regard to the filing of the report.

5.Recording the aforesaid submissions, this Criminal Original Petition is disposed of. The fourth respondent is directed to serve once again a notice to the petitioner with regard to the filing of the final report. It is open to the petitioner to seek any other remedy, which is available under the law.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector General of Police,
South Zone,
Madurai.
2. The Superintendent of Police,
Theni District.
3. The Superintendent of Police,
CBCID,
Chennai.
4. The Superintendent of Police,
Cumbam North Police Station,
Theni District.



5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.D.Sasikumar, Advocate Sr.No.44312

SSS

VB/MR/SAR2/12.02.2018/3P/7C

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24.01.2018