



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

CrI.O.P. (MD) No.10934 of 2018

S.Sreekumar

... Petitioner/De-facto
Complainant

-vs-

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2. The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

3. The Inspector of Police,
CBCID, Nagercoil,
Kanyakumari District.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code for a direction to transfer the investigation of the case in Crime No.103 of 2018 on the file of the Arumanai Police Station to the Inspector of Police CBCID, Nagercoil.

For Petitioner : Mr.J.John Jayakumar
For Respondents : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to transfer the investigation of the case in Crime No.103 of 2018 from the file of the Arumanai Police Station to the Inspector of Police CBCID, Nagercoil.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3.According to the petitioner, he made a complaint on 16.01.2018, but, so far the said complaint has not been registered by the second respondent. Thereafter, he sent a complaint to the first respondent on 06.03.2018 by registered post stating that the



second respondent has not registered the complaint and no progress has been made on the said complaint. Therefore, the petitioner has filed a petition in CrI.M.P.No.2175 of 2018 before the Judicial Magistrate Court No.I, Kuzhithurai, to register the case and investigate the same. The said petition was ordered on 16.03.2018 by directing the second respondent to investigate the complaint and file a report on or before 20.04.2018. Pursuant to the order passed by the learned Judicial Magistrate No.I, Kuzhithurai, the second respondent police either investigated the complaint nor filed the report. Again, the petitioner has filed a petition in CrI.M.P.No.4137 of 2018 under Section 156(3) Cr.P.C., before the same Court for the same relief. The said petition was forwarded to the second respondent to investigate the matter and submit a report on 16.05.2018. Pursuant to the said order, the case has been registered in Crime No.103 of 2018 for offences under Sections 341, 323 and 395 IPC. Since the second respondent has not conducted a fair investigation, he seeks transfer of investigation.

4.The learned Additional Public Prosecutor appearing for the respondents would submit that the petitioner made a representation dated 22.06.2008 before the first respondent, seeking transfer of investigation to the Inspector of Police CBCID, Nagercoil.

5.During the course of argument, the petitioner has conceded that the investigation can be conducted by any of the Inspector of Police by nominating the first respondent/Superintendent of Police, other than the second respondent. The said request will be considered by the first respondent.

6.In the above circumstances, the petitioner has restricted the prayer that the first respondent may be directed to nominate any of the Inspector of Police to conduct the investigation and submit a report, other than the second respondent.

7.Considering the submissions made on either side, this Court is inclined to direct the first respondent to take note of the said fact and pass appropriate orders by nominating any of the Inspector of Police, except the second respondent, to conduct the investigation and submit a report before the Court concerned, within a period of four weeks from the date of receipt of a copy of this order.

8.With the above direction, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (T&P)

/True Copy/



To

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
2. The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
3. The Inspector of Police,
CBCID, Nagercoil,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

NS

TE/SKN-RSK/SAR-4 : 18/07/2018 : 3P/5C

Cr1.O.P. (MD) No.10934 of 2018
03.07.2018