



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.14239 of 2018

and

Crl.M.P.(MD)No.6369 of 2018

Mohanraj

... Petitioner/Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.

2. The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.
(Crime No.57 of 2018)

3. The Inspector of Police,
CBCID Ramanathapuram Wing,
Ramanathapuram District.

... Respondents/Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to withdraw and transfer the investigation in Crime No.57 of 2018 on the file of the second respondent police to the third respondent police for effective investigation.

For Petitioner	: Mr.A.Uthayakumar
For Respondents	: Mrs.S.Bharathi
	Government Advocate

ORDER

The present Criminal Original Petition has been filed to transfer the investigation in Crime No.57 of 2018, which is pending on the file of the second respondent police to the file of the third respondent - CBCID.

2.Heard learned counsel appearing for the petitioner and learned Government Advocate appearing for the respondents.

3.The petitioner has been arrayed as an accused in Crime No.57 of 2018 and the investigation is pending. The learned counsel appearing for the petitioner would submit that there is suspicion in the death of his wife and there are some influential persons



involved in the offence. Therefore, the learned counsel would submit that the second respondent, without conducting any enquiry on the complaint made by the petitioner, has made this petitioner as an accused in the above said Crime Number.

4. The learned Government Advocate would submit that the second respondent has already examined 23 witnesses in this case and the investigation is at the very crucial stage. The investigation is done by the respondent police effectively and there are absolutely no grounds to transfer the investigation.

5. This Court has taken into consideration the submission made on either side and perused the records placed before this Court.

6. Admittedly, the petitioner has been made as an accused in Crime No.57 of 2018. The petitioner, has his own version, about the death of his wife and he suspects that certain influential persons have been involved in the crime. As stated by the learned Government Advocate for the respondent, the second respondent police has already examined 23 witnesses in this case and the investigation is at the very crucial stage. Thus, this Court is of the view that the second respondent police will have to continue with the investigation in this case and this Court also cannot enter into the manner in which the investigation is conducted, which is within the domain of the investigating officer. Therefore, at this stage, this Court does not want to pass any order in this petition and it is best to permit the second respondent to go ahead with the investigation and wait for the final report to be filed, after investigation.

7. In view of the same, this Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.

2. The Inspector of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
Bazaar Police Station,
Ramanathapuram District.



3. The Inspector of Police,
CBCID Ramanathapuram Wing,
Ramanathapuram District

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

+ 1 CC TO Mr.A.UDHAYA KUMAR, ADVOCATE IN SR No. 80069

LS

DS/RSK/SAR-2 : 04/09/2018 : 3P/6C

CrI.O.P. (MD) No.14239 of 2018
21.08.2018