



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Crl.O.P.(MD).No.12089 of 2013

Prabha Selvakumari

... Petitioner

Vs.

1. The State represented by
The Superintendent of Police,
Kanyakumari District, Kanyakumari.

2. The Sub Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

3. The Deputy Superintendent of Police,
C.B.C.I.D.
Nagercoil ,
Kanyakumari District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to pass an order by transferring the investigation in Crime No.203 of 2012 pending on the file of 2nd respondent to the 3rd respondent or any other investigation agency.

For Petitioner : Mr.C.Sankar Prakash

For Respondents : Mr.A.Robinson

Government Advocate (Crl. Side)

O R D E R

The petitioner herein is the defacto complainant in Crime No.203/2012. The case was registered for missing of gold ornaments. After registration of the case, the second respondent who is the Investigating officer in this case altered the Section of law from missing to theft punishable under Section 381 of IPC. While so, the petitioner being the defacto complainant filed this application seeking the relief the change the investigation from 2nd respondent to 3rd respondent.

2.Today, when the matter is taken up for hearing, the learned Government Advocate (Crl. Side) submitted that on 18.01.2016, the further investigation in this case was closed as un-detected. Further, he submitted that if the property is available, the second



respondent is very well ready to reopen the case. After closing the case as un-detected the copy of the said order was properly communicated to the husband of the defacto complainant.

3. Apart from that on go through the report available in the CD file, it is came to know that the second respondent/police, during the time of investigation identified the property worth about 200 sovereigns of gold jewels were kept in the locker at the time of the alleged occurrence was happened . But the property weighing about only 360 grams of gold jewels alone was stolen away.

4. Having regard to this issue, the investigating officer had a suspicion over the statement given by the defacto complainant and there only he came to the conclusion that further investigation is not necessary. So, the decision arrived by the second respondent is justifiable one. Further, he undertakes that he is ready to reopen the case if the property is secured by way of other measures. Therefore, the reason stated by the defacto complainant for changing the investigation does not satisfy this Court for granting order in favour of this petitioner.

5. Accordingly, this petition is dismissed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Kanyakumari District. Kanyakumari.
2. The Sub Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
3. The Deputy Superintendent of Police,
C.B.C.I.D. Nagercoil,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

TM

TE/GT/SAR-4 : 26/02/2018 : 2P/5C

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