

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.8537 of 2013

S.Umamaheswari

..Petitioner/Defacto Complainant

Vs.

- 1) The Commissioner of Police,
Officer of the Commissioner,
Egmore, Chennai - 600 008.
- 2) The Deputy Commissioner of Police,
Adyar District, Chennai - 600 020.
- 3) The Assistant Commissioner of Police,
Saidapet, Chennai - 600 015.
- 4) The Inspector of Police,
R.6 Kumaran Nagar Police Station,
Chennai - 600 083.

.... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to transfer the investigation in Crime No.601 of 2013 from the file of the fourth respondent namely the Inspector of Police, R.6, Kumaran Nagar Police Station, Chennai, to the file of any other police agency for an unbiased investigation.

For Petitioner : Mrs.C.R.Rukmani

For Respondents : Mrs.T.P.Savitha
Government Advocate (Crl.Side)

ORDER

The petitioner herein has filed this present petition seeking transfer of investigation from 4th respondent to some other police agency.

2 The petitioner had filed complaint 12.03.2013 and a case was registered for the offences punishable under Sections 342, 448 and 506(1) of IPC. Since no effective step was taken by

the respondent police, the petitioner approached this Court seeking transfer of the case to some other agency.

3 Learned counsel appearing for the petitioner would submit that the petitioner and his daughter were thrown away from their possession and the respondent police colluding with the accused persons, have not taken any action against the accused. Hence the petitioner seeks transfer of investigation from the fourth respondent to some other police agency.

4 Heard the learned counsel appearing on either side and perused the materials available on record.

5 It is seen that the petitioner filed complaint and based on the same case was also registered, but, since there is no considerable progress in the case, the petitioner, seeks transfer of investigation. The learned Government Advocate (Crl.Side) submitted that investigation has been completed and charge is ready to file before the Magistrate. Even after the lapse of six years, the respondent police have not filed charge sheet, which itself shows the lethargic attitude of the Investigating Officer. This Court lost faith on the Investigating Officer and hence, if the charge sheet is allowed to be filed before the Magistrate, truth will not come into the light. Therefore, this court is inclined to transfer the investigation as sought for by the petitioner.

6 In the result, the criminal original petition is allowed. The fourth respondent police is directed to handover the entire case files pertaining to Crime No.601 of 2013 to the Inspector of Police, CBCID, Chennai, within a period of one week from the date of receipt of a copy of this order. The CBCID, Chennai, is directed to investigate the matter and file final report in accordance with law within a period of six months from the date of receiving the case records.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Police, 3
Officer of the Commissioner,
Egmore, Chennai - 600 008.

2/3

2. The Deputy Commissioner of Police,
Adyar District, Chennai - 600 020.
3. The Assistant Commissioner of Police,
Saidapet, Chennai - 600 015.
4. The Inspector of Police,
R.6 Kumaran Nagar Police Station,
Chennai - 600 083.
5. The Inspector of Police,
CBCID, Chennai.

+1 cc to M/s.C.R.Rukmani, Advocate Sr.No. 91379

AKM/06.12.19/3P-7C /

CrI.O.P.No.8537 of 2013



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