

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.1841 of 2019
and Crl.M.P.No.1132 of 2019

S.Chitra

... Petitioner

Vs.

- 1.The Secretary,
Department of Home affairs,
State of Tamil Nadu,
Fort St.George,
Chennai.
- 2.The Director General of Police,
No.1, Dr Radhakrishna Salai,
Mylapore,
Chennai-600 004.
- 3.The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner office building,
EVK Sampath Road, Vepery,
Chennai-600 007.
- 4.The Joint Director and Head of the Zone,
Central Bureau of Investigation (CBI),
III Floor, E.V.K.Sampath Building,
College Road,
Chennai.
- 5.The Inspector of Police,
Central Police Station,
Greater Chennai Police,
Chennai.
(Crime No.556 of 2014)

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 1 to 3 to withdraw the case in Crime No.556 of 2014 dated 19.12.2014 on the file of Respondent No.5 and entrust the same to the respondent No.4 for investigation of the case by a competent officer and file a final report before the concerned Jurisdictional Magistrate within the time period stipulated.

For Petitioner : Mr.J.Pandidorai
For Respondents : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed seeking for a direction to transfer the investigation, which is pending on the file of the fifth respondent in Crime No.556 of 2014.

2. The petitioner's husband who was serving in the Indian Army went missing in the year 2014. Immediately, the petitioner gave a complaint to the fifth respondent, which is pending in Crime No.556 of 2014 as a man missing case. The petitioner has knocked the doors of police authorities and till date, the petitioner's husband is not able to be traced.

3.The learned counsel for the petitioner submitted that the petitioner came to know that her husband was last seen in Bolpur, West Bengal in the year 2014. Therefore, the petitioner rushed to Kolkatta and gave a complaint to the Bolpur police station and a C.S.R. was also given to the petitioner. However, no action was taken to trace the husband of the petitioner. The learned counsel further submitted that the petitioner has two daughters and they are finding it very difficult to run their day to day life and there are absolutely no signs of the petitioner's husband being traced by the respondent police.

4.In a case of this nature, this Court cannot transfer the investigation only for the reason that the missing person was found in Kolkatta in the year 2014. It is possible that the missing person could have moved from Kolkatta to some other destination. The investigation can continue with the fifth respondent and the fifth respondent is directed to strictly follow the guidelines given by this Court in K.Sukumari vs. The Superintendent of Police, Virudhunagar District, Virudhunagar and two others reported in 2018-2-L.W.(Crl) 636. The fifth respondent is directed to take effective steps to trace the husband of the petitioner and file a final report as expeditiously as possible.

5.Accordingly, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

rpl/dh

To

- 1.The Secretary,
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Chennai.
- 6.The Public Prosecutor
High Court of Madras

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SSM(12/02/2019)

सत्यमेव जयते

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