

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.21517 of 2018

A. Madaiyan

...Petitioner

-Vs-

1. The Superintendent of Police,
Salem District, Salem.
2. The Deputy Superintendent of Police,
Sankari, Salem District.
3. The Inspector of Police,
All Women Police Station,
Sankari, Salem District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation in Crime No.24 of 2018 pending on the file of the 3rd respondent police to some other investigating agency, preferably, the District Crime Branch at Salem or the Inspector, CBCID/Crime Investigation Department at Salem or any other agency.

For Petitioner : Mr.M.Guruprasad
for M/s.T.N.Rangesh Kanna

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the third respondent police to transfer the Crime No.24 of 2018 pending on the file of the 3rd respondent police to some other investigating agency, preferably, the District Crime Branch at Salem or the Inspector, CBCID/Crime Investigation Department at Salem or any other agency for proper investigation and for necessary action.

2. The learned counsel for the petitioner would submit that the petitioner's second daughter Kirthika kidnapped by one

Chandrasekaran and thereafter, the petitioner lodged a police complaint before the 3rd respondent police on 25.07.2018 against him. Following the same, the respondent police have registered a case in Crime No.24 of 2018 against him for the offence under Section 363 IPC.

3. In the meanwhile, the petitioner has filed a Habeas Corpus Petition in H.C.P.No.1698 of 2018 before this Court and the petitioner's daughter viz., Kirthika has also filed a petition in CrI.O.P.No.20086 of 2018 seeking for police protection before this Court and the same was closed on 13.08.2018 by this Court and the Habeas Corpus Petition was closed filed by the petitioner. But no action has been taken against the said complaint till today. Hence, the petitioner has filed this petition.

4. The learned Additional Public Prosecutor would submit that the third respondent police is conducting investigation and the same is yet to be disposed of.

5. Heard Mr.M.Guruprasad, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondents.

6. On perusal of the documents and materials available on record, it is seen that the prayer sought for by the petitioner in this petition cannot be considered for the transfer of investigation. However, the third respondent is directed to conduct enquiry in Crime No.24 of 2018 and file a final report within a period of three months from the date of receipt of a copy of this order. Moreover, the 2nd respondent/Deputy Superintendent of Police is directed to monitor the investigation to be conducted by the third respondent and ensure that the third respondent shall file a final report within the stipulated period as fixed by this Court.

7. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

msm

To

1. The Superintendent of Police,
Salem District, Salem.
2. The Deputy Superintendent of Police,
Sankari, Salem District.
3. The Inspector of Police,
All Women Police Station,
Sankari, Salem District.
4. The Additional Public Prosecutor,
High Court, Madras.

+lcc to M/s.T.N.Rangesh Kanna, Advocate sr.23876

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nr 22/04/2019



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