

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.7351 of 2019

1.E.Sekar

2.R.Vimal Kumar

... Petitioners

Vs

The State represented by the Inspector of Police,
W-29, All Women Police Station,
Avadi, Chennai-600 054.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to transfer and investigation based on the complaint dated 18.11.2018 of the 1st petitioner to the respondent police and the substance of which was complained by the 1st petitioner under a complaint dated 13.12.2018 (mistakenly specified as 13.11.2018) which was sent by speed post to the Commissioner of police on 15.12.2018 in response of all of which the respondent police have now issued a notice dated 20.02.2019 to the 1st petitioner under Section 161 of Cr.P.C calling upon him to appear before her for enquiry and the investigation based on the complaint dated 11.01.2019 of the 2nd petitioner to the respondent police, from the respondent police so that the investigation be carried out only by any other investigation agency acclaimed for the integrity and high caliber especially CBCID or CBI.

For Petitioners: M/s.G.S.Vivekanandan

For Respondent : Mr.C.Raghavan

Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed seeking to transfer the investigation based on the complaint dated 18.11.2018 of the first petitioner to the respondent police and the substance of which was complained by the first petitioner under a complaint dated 13.12.2018 mistakenly specified as 13.11.2018.

2. It is seen that the second petitioner filed a petition before the Judicial Magistrate No.II, Thiruvallur to register FIR in the complaint given by the petitioner to the Inspector of Police in Sexual assault made to his minor daughter. Thereafter, the petitioner has moved before this Court for direction to register FIR in CrI.O.P.No.30077 of 2018 and this Court by an order dated 21.12.2018 has granted liberty to work out his remedy in accordance with the guidelines given by Division Bench of this Court in CrI.O.P.No.13681 of 2018. The AWPS, Avadi has refused to receive the 2nd petitioner's his complaint on the sexual assault of her minor daughter. Hence, the petitioner has sent the complaint to the Higher officials also. Even then no FIR was registered. The first petitioner has lodged a complaint on 13.12.2018 to the Commissioner of Police, Greater Chennai, Vepery, mistakenly specifying the date in the said complaint as 13.11.2018 and despatched the complaint by speed post to the Commissioner on 15.12.2018. But no action was taken by the respondent police. Thereafter, the first petitioner has been lodged a complaint before the respondent police. Subsequently, the second petitioner moved a petition before the State Child Rights Protection Commission as well as before the Commissioner for protection of Child Rights, Kellys, Chennai for appropriate action. Thereafter, he forwarded a letter on 13.01.2019 discussing these matters to the Commissioner of Police. Thereafter, after four months from the date of complaint, the respondent Police has filed a complaint and issued summons to the petitioner for an enquiry. Hence, disbelieving the investigation conducted by the respondent police, the petitioner has filed the present petition with the aforesaid prayer.

3.The learned Government Advocate submitted that based on the complaint given by the 2nd petitioner, FIR has been registered and investigation is still pending.

4.Heard both sides.

5.The prayer sought for by the petitioners cannot be considered. However, the respondent police is directed to complete the investigation and file a final report within a period of three months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mpa/vsn
To

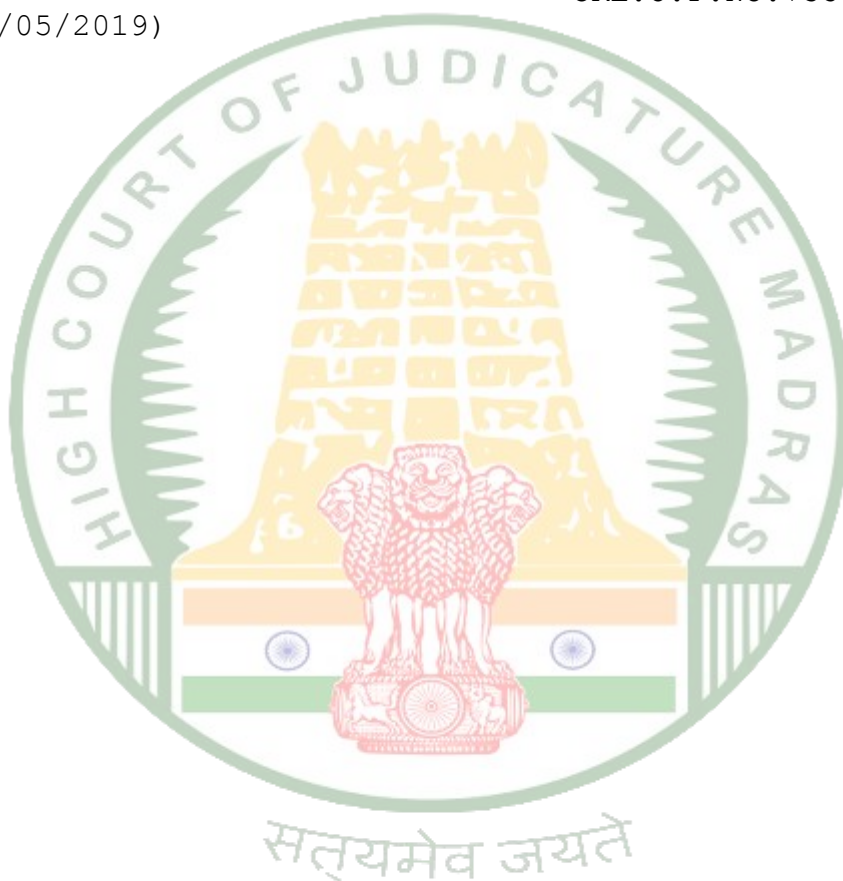
1 The Inspector of Police,
W-9, All Women Police Station,
Avadi, Chennai-600 054.

2.The Public Prosecutor, High Court of Madras.

+3ccs to M/s.G.S.Vivekanandan , Advocate SR.No. 29408

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A.SK(28/05/2019)



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