

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9016 of 2019

S.Nathiya

..Petitioner

Vs.

- 1.The Superintendent of Police,
Crime Branch-Criminal Investigation Department,
CB-CID,
No.220, Pantheon Road,
Egmore,
Chennai-600 008. ...1st Respondent
- 2.State represented by, ...2nd Respondent/Complainant
Inspector of Police,
AWPS-Gobi,
Erode District.
- 3.Manojkumar ...3rd Respondent/Accused No.1

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to transfer the investigation from the 2nd respondent in Crime No.3 of 2019 to 1st respondent or any other competent investigation agency as may be decided by this Court.

For Petitioner : Mr.S.Gomathi Nayagam, Senior Counsel
for Mr.C.Peranban

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

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O R D E R

This Criminal Original Petition has been filed to transfer the investigation from the file of the 2nd respondent in Crime No.3 of 2019 to 1st respondent or any other competent investigation agency.

2.It is seen that inspite of the order passed by this Court in Crl.O.P.No.2811 of 2019, dated 01.02.2019, thereby directed

the 2nd respondent shall proceed further with the investigation and if based on the materials collected during the course of investigation, a case is made out for an offence under Section 493 of IPC, the same may be added by altering the FIR.

3.It is also seen that, even after the specific direction given by this Court, the 2nd respondent did not take any steps to conduct the enquiry and it is lying in the same stage. Therefore, the petitioner is now seeking transfer of investigation.

4.Admittedly, the case has been registered in Crime No.3 of 2019, for the offence under Section 417 and 506(i) of IPC. Thereafter, the 2nd respondent did not even conducted any enquiry and simply kept the matter in cold storage. Therefore, this Court deems fit to transfer the investigation.

5.Accordingly, the entire case diary in pursuant to the Crime No.3 of 2019 is hereby withdrawn from the file of the 2nd respondent and transfer the same to the file of Inspector of Police, District Crime Branch, Erode. On receipt of the same, the Inspector of Police, District Crime Branch, Erode is directed to complete the investigation and file a final report as directed by this Court in Crl.O.P.No.3811 of 2019 dated 01.02.2019 within a period of three months from the date of receipt of a copy of this order.

6.With the above said directions, this Criminal Original Petition is disposed of.

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Sd/-

Assistant Registrar(AD-IV)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1. The Superintendent of Police,
Crime Branch-Criminal Investigation Department,
CB-CID,
No.220, Pantheon Road,
Egmore,
Chennai-600 008.

2. The Inspector of Police,
AWPS-Gobi,
Erode District.

3. The Inspector of Police,
District Crime Branch,
Erode.

4. The Public Prosecutor,
High Court Madras.

+1cc to Mr.G.Peranbam, Advocate, SR.No.41355

Crl.O.P.No.9016 of 2019

Kak(31/05/2019)



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