

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.18043 of 2018

S.Lakshmi

...Petitioner

Vs.

1. The Superintendent of Police,
Thiruvallur District,
Thiruvallur.

2. The Inspector of Police,
E-3, Minjur Police Station,
Minjur.

...Respondents

Prayer:

This Criminal Original Petition has been filed seeking to direct the 1st respondent to transfer the investigation in Cr.No.95 of 2018, registered on 26.02.2018 for the offence under Section 147, 148, 341 and 302 of IPC pending on the file of the 2nd respondent to some other Inspector of Police working under his jurisdiction and file a charge sheet within a stipulated period.

For Petitioner : Mr.S.Venkatesh

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

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed seeking direction to the 1st respondent to transfer the investigation in Crime No.95 of 2018, on the file of the 2nd respondent to some other investigating agency and file a charge sheet.

2.The petitioner's husband was murdered by the accused persons viz., Soundar, Madhan, Chella@ Boxer @Vignesh and Edwin on 26.02.2018, due to previous enmity. Though, the 2nd respondent arrested few persons, one said Edwin got absconded and till now the 2nd respondent has not taken any steps to secure him and the investigation gets delayed. Hence, the petitioner has filed the present petition with the aforesaid prayer.

3.The learned counsel for the petitioner submitted that the accused persons/A1 and A2 have involved in the following cases viz., as against A1, Crime Nos.211 of 2017, 93 of 2018, 95 of 2018 and 108 of 2018 are pending before the very same police station and as against A1, Crime Nos.499 of 2016, 211 of 2017, 93 of 2018, 95 of 2018 and 108 of 2018. Except in Crime No.95 of 2018, the accused persons were released on bail for non-filing of charge sheet. It is seen that the 2nd respondent Police has not conducted any enquiry and did not take any steps to enquire into the matter. Subsequently, the accused persons have been released on default bail under Section 167(2) Cr.P.C. Even then, the respondent police have not taken any steps to investigate into the matter and it is kept pending for a very long time.

4.The learned Additional Public Prosecutor submitted that though they tried to collect details with regard to this case, the 2nd respondent did not come forward to give any information and this shows the lethargic attitude of the second respondent.

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

6.Though, this Court on two occasions directed the learned Additional Public Prosecutor to get proper instructions and to file a status report in respect of Crime No. 95 of 2018, it is informed that the 2nd respondent did not turn up and did not even instruct the learned Additional Public Prosecutor to report before this Court. This shows the lethargic attitude of the second respondent. In view of this, it is a fit case to transfer the investigation to some other investigating agency.

7. Accordingly, this Criminal Original Petition is allowed and the case in Crime No.95 of 2018, pending on the file of the 2nd respondent is withdrawn and the same is transferred to the Inspector of Police, CBCID, Thiruvallur, Thiruvallur District, for proper and fair investigation in Crime No.95 of 2018, within two weeks from the date of receipt of copy of this order. On receipt of the case, the Inspector of Police, CBCID, Thiruvallur, is directed to proceed with the case, conduct an enquiry and complete the investigation and filed a final report within a period of four weeks there from.

Sd/-
Assistant Registrar(I Cell)

//True Copy//
Sub Assistant Registrar

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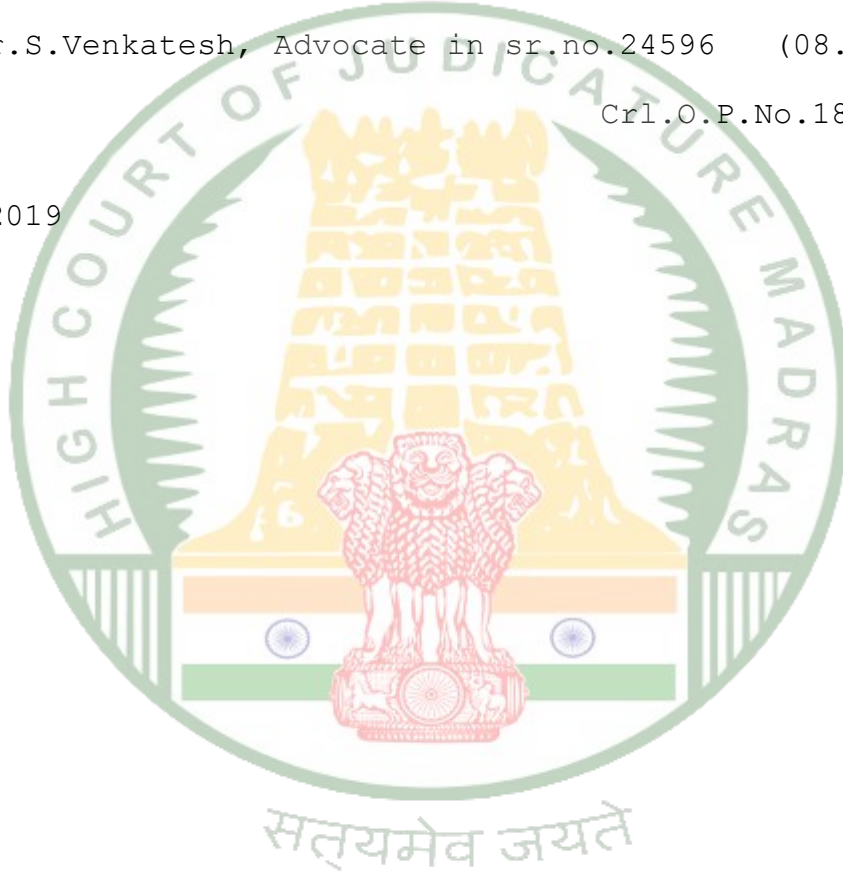
To

1. The Superintendent of Police,
Thiruvallur District,
Thiruvallur.
2. The Inspector of Police,
E-3, Minjur Police Station,
Minjur.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Venkatesh, Advocate in sr.no.24596 (08.08.2019)

Crl.O.P.No.18043 of 2018

BR(CO)
CS/24/04/2019



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