

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH
Crl. O.P.Nos. 17024 & 17026 of 2019

Praveena ...Petitioner in both Crl.O.P.s'

Vs.

- 1.The Superintendent of Police,
Dharmapuri District.
- 2.The Inspector of Police,
Adiyaman Kottai Police Station,
Dharmapuri District.
- 3.The Sub Inspector of Police,
Adiyaman Kottai Police Station,
Dharmapuri District. ..Respondent1,2 in Crl.O.P.17024/2019

- 1.The Superintendent of Police,
Dharmapuri District.
- 2.The Inspector of Police,
Adiyaman Kottai Police Station,
Dharmapuri District.RR1,2 in Crl.O.P.No.17026/2019
- 3.The Sub Inspector of Police,
Adiyaman Kottai Police Station,
Dharmapuri District. ...Respondent 3in Crl.O.P.No.17024/2019

PRAYER in Crl.O.P.No.17024/2019 : Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st respondent to take departmental action against the 2nd and 3rd respondents for committing fraud in Crime No.205 of 2019 on the file of the Adhiyaman Kottai Police Station.

PRAYER in Crl.O.P.No.17026/2019 : Criminal Original Petition filed under Section 482 Cr.P.C. to transfer the investigation in Crime No.205 of 2019 on the file of the Adhiyaman Kottai Police Station to some other police station.

For Petitioner

In both the petitions : Mr.S.Vinoth Kumar

For Respondent

In both the petitions : Mr.C.Iyyapparaj

Additional Public Prosecutor

O R D E R

Crl.O.P.No.17026 of 2019 has been filed seeking transfer of the investigation in Crime.No.205 of 2019 on the file of the Athiyamankottai Police station to some other police station.

Crl.O.P.No.17024 of 2019 has been filed seeking a direction to the Superintendent of Police, Dharmapuri District to take departmental action against the Inspector and Sub-Inspector of Police attached to the Athiyamankottai Police station.

2. The issue, as to whether departmental action can be initiated as against the Inspector of Police and Sub-Inspector of Police attached to the Athiyamankottai Police station, can be decided only after an appropriate enquiry is made by the 1st respondent herein and this Court cannot step into the shoes of the 1st respondent for taking such a decision.

3. Nevertheless, if the 1st respondent is directed to consider the petitioner's complaint on its own merits and pass appropriate orders, ends of justice could be secured. Moreover, since the petitioner herein had made allegations against the 3rd respondent herein, it would not be appropriate to direct the 3rd respondent herein to continue with the investigation, in view of the allegations made.

4. In this background, the following directions are issued:

(a) The first respondent herein is called upon to consider the petitioner's complaint dated 17.06.2019 on its own merits and pass appropriate orders after giving due opportunity to the petitioners as well as to the respondents 2 and 3, before arriving at a conclusion.

(b) The investigation in Crime No.205 of 2019 pending on the file of the Inspector of Police, Athiyamankottai Police station shall stand transferred to the Inspector of Police (Crimes), Dharmapuri town police station, Dharmapuri, forthwith.

5. It is made clear that this Court has not expressed any of its view with regard to the allegations made by the petitioner in his complaint as against the respondents 2 and 3 herein and the 1st respondent herein is at liberty to arrive at an independent conclusion based on the out come of the enquiry.

These Criminal Original Petitions stand disposed of accordingly.

Sd/-

Assistant Registrar(CS)

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Sub Assistant Registrar

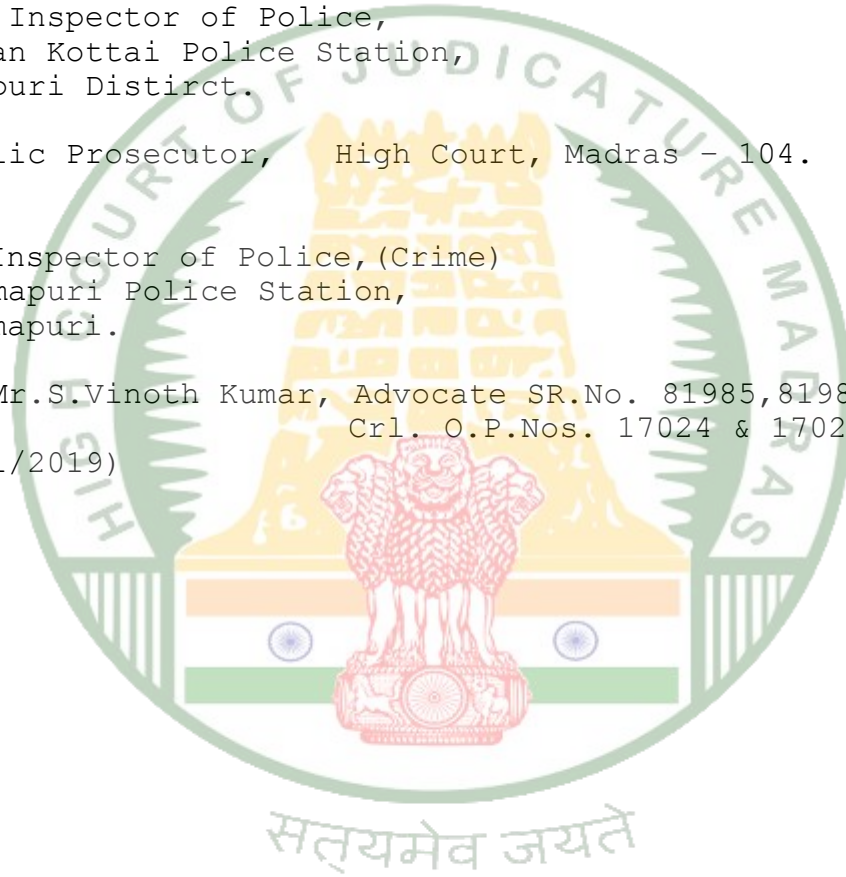
bri/ssr
To

- 1.The Superintendent of Police,
Dharmapuri District.
- 2.The Inspector of Police,
Adiyaman Kottai Police Station,
Dharmapuri District.
- 3.The Sub Inspector of Police,
Aidyaman Kottai Police Station,
Dharmapuri Distirct.
- 4.The Public Prosecutor, High Court, Madras - 104.

Copy to:

The Inspector of Police, (Crime)
Dharmapuri Police Station,
Dharmapuri.

+2ccs to Mr.S.Vinoth Kumar, Advocate SR.No. 81985,81986
Crl. O.P.Nos. 17024 & 17026 of 2019
A.SK(20/11/2019)



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