

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.OP No.23261 of 2017

P.Sanjeevan

..Petitioner

..Vs..

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

2.The Inspector of Police,
CB - CID,
Dharmapuri District,
Dharmapuri.

3.The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct by transferring the investigation relating to the Crime No.376 of 2017, pending on the file of the 3rd respondent police to the file of the 2nd respondent and to conduct the investigation and to file a final report within a stipulated time that may be fixed by this Hon'ble Court.

For Petitioner : Mr.R.Parthiban

For Respondents : Mr.Mohamed Riyaz, APP

ORDER

This Criminal Original Petition has been filed seeking for transfer of investigation in Cr.No.376 of 2017,

pending on the file of the 3rd respondent Police.

2. The petitioner is the father of the deceased girl. The daughter of the petitioner is studying in a private school and the petitioner is a coolie worker. On 27.08.2017, the petitioner got the information that his daughter has been murdered and several cut and stab injuries are found in her body. Immediately, the petitioner rushed to the house and a complaint came to be given to the 3rd respondent on the same day, and an FIR was registered in Cr.No.376 of 2017 against unknown accused persons for an offence under Section 302 of IPC.

3. The learned counsel for the petitioner submitted that subsequent to the registration of the FIR, one Sakthi was arrested and remanded to judicial custody. According to the learned counsel for the petitioner, the petitioner's daughter was sexually exploited and going by the nature of injuries as found in the Post Mortem Certificate, this offence could not have been committed by just one single accused person and more than one person has committed the crime. The petitioner also gave a representation naming at least six accused persons and in spite of the same, the 3rd respondent failed to investigate the case in a proper manner. Therefore left with no other option, the present petition has been filed seeking for transfer of investigation.

4. The learned Additional Public Prosecutor on instructions would submit that the 3rd respondent has completed the investigation and a Final Report has been filed as against one Sakthi before the Juvenile Justice Board. The learned counsel would further submit that the 3rd respondent did not find any materials as against the other accused persons, and therefore no Final Report was filed against them.

5. This Court has carefully considered the submissions made on either side as well as the materials available on record. It is an unfortunate case, where the daughter of the petitioner was brutally murdered. The Post Mortem Certificate dated 28.08.2017, shows totally 32 injuries in the body of the deceased, out of which, majority of the injuries are cut injuries and the rest are stab injuries. These many injuries could not have been inflicted by one single minor accused person and there is more than one accused who is involved in this brutal crime. The 3rd respondent has investigated this case in a very casual manner and has not even taken into consideration the repeated representations made by the petitioner, wherein, he has named five other accused persons who are involved in the incident. Concerned Court is yet to take cognizance of the Final Report. This Court finds that this is a fit case, where the investigation has to be transferred to a

different agency in order to ensure that all the accused persons involved in this case are brought to book.

6. In view of the above, the investigation in Cr.No.376 of 2017, shall stand transferred to the file of the 2nd respondent viz; the Inspector of Police, CB-CID, Dharmapuri District. The 3rd respondent is directed to hand over the entire case diary to the 2nd respondent within a period of 10 days from the date of receipt of a copy of this order. Immediately on receipt of the case diary, the 2nd respondent shall continue further with the investigation and shall bring all the accused persons to book. It is left open to the petitioner to provide with all the details that he knows about the incident and the 2nd respondent shall take it into consideration in the course of investigation. The 2nd respondent shall complete the investigation as expeditiously as possible and file a Final Report against the accused persons.

Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

KP

To

1.The Superintendent of Police,
Dharmapuri District, सत्यमेव जयते
Dharmapuri.

2.The Inspector of Police,
CB - CID,
Dharmapuri District,
Dharmapuri.

3.The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.

4.The Public Prosecutor,
High Court of Madras,
Madras.

+1cc to Mr.R.Parthiban, Advocate SR.No.1673

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NM(CO)
GMY(31/01/2019)



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