

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.Nos.27980 & 27982 of 2019

K.Muthusamy ...Petitioner in Crl.O.P.No.27980 of 2019

C.Subramani ...Petitioner in Crl.O.P.No.27982 of 2019

Vs

1. The Inspector of Police,
West Zone,
Coimbatore.
2. The Superintendent of Police,
Tiruppur,
Tiruppur District.
3. The Inspector of Police,
Kangayam Police Station,
Tiruppur District. ...Respondents 1 to 3 in Both Crl.O.Ps.
4. S.Govindhammal ...4th Respondent in Crl.O.P.
No.27980 of 2019

COMMON PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C., to issue direction directing the respondents 1 & 2 herein to withdraw the investigation in Crime Nos.531 of 2019 and 532 of 2019 respectively on the file of the third respondent herein and to transfer the same to any other independent investigating agency not below the rank of Deputy Superintendent of Police to conduct through investigation in Crime Nos.531 of 2019 and 532 of 2019 respectively in accordance with law.

For Petitioner : Ms.N.Premalatha
(in both Crl.O.Ps)

For R1 to R3 : Mr.C.Iyyapparaj
Additional Public Prosecutor
(in both Crl.O.Ps)

For R4 : Mr.T.V.Suresh Kumar for
M/s.Genicon & Associates
in Crl.O.P.No.27980/2019

C O M M O N O R D E R

The petitioner seeks for transfer of the investigation in Crime No.531 of 2019 & 532 of 2019, which is pending on the file of the third respondent herein. Among several grounds raised by the petitioner, the learned counsel for the petitioner predominantly relies upon the ground that a complaint has been made by him against the third respondent/ Inspector of Police, who is also the Investigation Officer in both Crime Numbers.

2 Incidentally, the petitioner herein had also filed a Writ Petition in W.P.No.29883 of 2019 seeking for a direction to the Inspector General of Police, West Zone, Coimbatore, to initiate departmental action against the third respondent and this Court had passed an order, today, directing the Inspector General of Police to consider the petitioner's representation and take further action in accordance with law. Since serious allegations have been made against the Investigation Officer before whom both the petitioner's complaint as well as the complaint against him are pending investigation, it would not be appropriate for the same Investigation Officer to continue with the investigation in both these First Information Reports. It is made clear that this Court has not made any adverse remarks against the Inspector of Police, which is the subject matter of the departmental enquiry. In view of these allegations made, this Court is inclined to transfer the investigation.

3 In the light of the above observation, there shall be a direction to the Superintendent of Police, Tiruppur District, to pass necessary orders to transfer the investigation in Crime Nos.531 of 2019 and 532 of 2019 from the file of the third respondent herein to any other Inspector of Police, with a further direction to investigate the same. The Superintendent of Police is also called upon to monitor the investigation in both Crime Nos.531 of 2019 and 532 of 2019 on a day-to-day basis. Such an order of transfer of the investigation shall be effected at least within a period of two weeks from the date of receipt of a copy of this order.

4 These Criminal Original Petitions are disposed of accordingly.

sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sbn/ssr

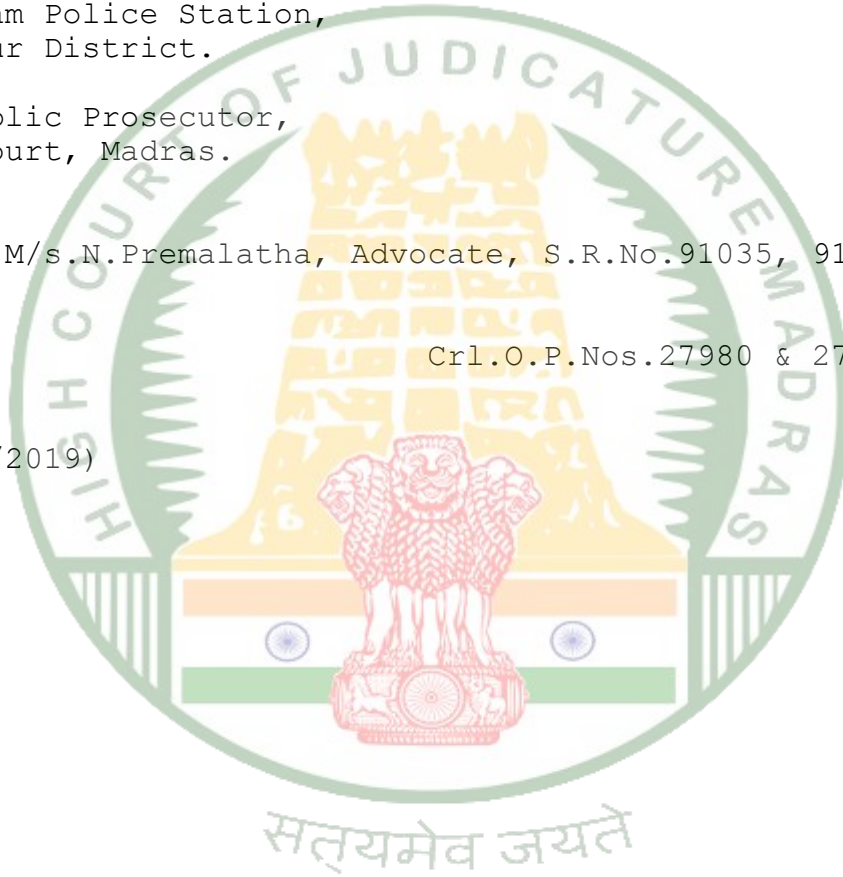
To

1. The Inspector of Police,
West Zone,
Coimbatore.
2. The Superintendent of Police,
Tiruppur,
Tiruppur District.
3. The Inspector of Police,
Kangayam Police Station,
Tiruppur District.
4. The Public Prosecutor,
High Court, Madras.

+2 ccs to M/s.N.Premalatha, Advocate, S.R.No.91035, 91036

Crl.O.P.Nos.27980 & 27982 of 2019

NRL (CO)
SSM(04/11/2019)



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