

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.22818 of 2018

Lakshmi

...Petitioner

Vs.

1.State by: Inspector of Police
W-21, All Women Police Station,
Guindy, Chennai

2.Sathyanaath
3.Vishal Ragav

... Respondents

PRAYER:Criminal Original Petition filed under Section 482 Cr.P.C. to transfer the investigation in Crime No.6/2018 pending on the file of the First Respondent to any other investigation agency and direct such investigation be completed in a time bound manner.

For Petitioner : Mr.B.Mohan

For Respondents : Mr.Mohamed Riyaz for R1
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the petitioner to transfer the investigation in Crime No.6/2018 pending on the file of the First Respondent to any other investigation agency and direct such investigation be completed in a time bound manner.

2.The learned counsel for the petitioner would submit that the petitioner hails from a poor family and started to work at a very tender age of 16 years in the 2nd respondent's office. The 2nd respondent took advantage of the petitioner and her family started to assault her sexually for the past 16 years. The 3rd respondent is the son of the 2nd respondent, on knowing the said relationship abused the petitioner in filthy language and mercilessly beat her up and threatened to do away with the petitioner if she ever comes back to the office. Therefore, the

petitioner lodged a complaint on 04.04.2018 with the 1st respondent. FIR has been registered after an inordinate delay of almost two months on 26.05.2018 in Crime No.6 of 2018 under irrelevant and insignificant Sections of IPC in a clear attempt to shield the 2nd & 3rd respondent from the process of law. Hence, this petition.

3.Heard the learned counsel on either side.

4.It is seen that the petitioner is having relationship with the 1st accused for more than 16 years. Therefore, the offence under Section 376 of IPC does not attract as against the 1st Accused. Hence, the 1st respondent police has rightly registered the case as against the 1st accused, for the offences under Section 417, 352 and 506(ii) IPC. Therefore, the transfer of investigation cannot be considered.

5.Accordingly, this petition stands dismissed. In view of the order passed by this Court in Crl.O.P.No.20851 of 2018 dated 08.04.2019, the FIR is quashed as against the second accused. Under these circumstances, considering the nature of the allegations, the 1st respondent police is hereby directed to complete the investigation and file a final report in Crime No.6 of 2018 as against the 1st accused alone within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(Co)

//True Copy//

Sub Assistant Registrar

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To.

1.Inspector of Police
W-21, All Women Police Station,
Guindy, Chennai

2.The Public Prosecutor
High Court of Madras

+1cc to Mr.B.Mohan , Advocate SR.No. 34372

Crl.O.P.No.22818 of 2018

A.SK(25/04/2019)