



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2019

CORAM:

THE HONOURABLE **MR. JUSTICE N. SESHASAYEE**

Cr1.O.P.[MD]No.1543 and 1544 of 2019

in

Cr1.M.P.[MD]No.796 and 797 of 2019

Sumathi :Petitioner/Accused No.3 in both petitions

/Vs./

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

2.The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

3.The Inspector of Police,
C.B.C.I.D.Wing,
Tirunelveli District.

: Respondents 1 to 3 in both petitions

4.Prema : Respondent No.4/Defacto Complainant
in Cr1.O.P.[MD]No.1543 of 2019

4.Sriba : Respondent No.4/Defacto Complaint
in Cr1.O.P.[MD]No.1544 of 2019

Common Prayer: Criminal Original Petitions are filed under Section 482 of Cr.P.C. to transfer the investigation of the case in Crime No.136 of 2018 and 500 of 2017 from the file of the second respondent to the file of the Inspector of Police, C.B.C.I.D.Wing, Tirunelveli District for proceeding with the same in an unbiased manner.

For Petitioners : Mr.R.Anand

For R-1 to R-3 : Mr.V.Neelakandan

Additional Public Prosecutor
(in both petitions)

COMMON ORDER

The petitioner has moved this Court to change the investigating agency to transfer the investigation from the second respondent to the third respondent for the offences under Sections 379 and 414 IPC in Crime No.136 of 2018 and 500 of 2017.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor. In both the cases, the offence is one under Sections 379 and 414 IPC.



3. The learned counsel appearing for the petitioner submitted that the specific overt act attributed to the fourth respondent is one under 414 IPC. He would argue that these cases were registered against the unknown persons and the petitioner's relative was suspected, arrested and manhandled by the investigating agency and when the petitioner went to the police station to question the same, she was roped in the offence without any basis.

4. The learned Additional Public Prosecutor would submit that the investigation is completed and the charge sheet has been laid in C.C.No.23 of 2019 and 26 of 2019 in the respective cases.

5. Inasmuch the investigation is completed by the second respondent, this petition has become infructuous. However, the petitioner will be at liberty to challenge the charge sheet if there are grounds available for the same. The petitioner is also reminded that there are provisions in the code provided for moving the trial Court for charges. Accordingly, the petitions are disposed of. Consequently, connected MPs are closed.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar (CS)

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To

- 1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.
- 2.The Inspector of Police,
Panagudi Police Station, Tirunelveli District.
- 3.The Inspector of Police,
C.B.C.I.D.Wing, Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.R.ANAND, Advocate Sr. No.50738

Common Order made in
Crl.O.P.[MD]No.1543 and 1544 of 2019
27.02.2019