

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 08.04.2019**

WEB COPY

CORAM**THE HONOURABLE MR. JUSTICE M.DHANDAPANI****CRL.O.P. (MD) No.5247 of 2019**

A.Nandhinibala ... Petitioner

Vs.

1.The Commissioner of Police,
Trichy City, Trichy.2.The Inspector of Police,
All Women Police Station,
Cantonment, Trichy District.
(Crime No.4 of 2019).

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent to transfer the investigation in Crime No.4 of 2019 pending on the file of the second respondent to any other competent independent agency to take necessary action earliest in accordance with law to nab the accused within a stipulated time fixed by this Court.

For Petitioner : Ms.R.Yamuna
For Respondents : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side).

ORDER

This petition has been filed to transfer the investigation in Crime No.4 of 2019 pending on the file of the second respondent to any other competent independent agency.

2.The case of the petitioner is that the petitioner is the wife of the first accused. Due to matrimonial dispute, the present complaint has been filed. Based on the complaint, the second respondent police registered a case under Sections 498(A) and 294 (b) IPC without implicating other offences. Aggrieved by non-registration of the relevant sections, the present petition is filed.

3.The learned counsel for the petitioner would submit that the petitioner has made a complaint against her husband and other in-laws for dowry demand and harassment, in which the second respondent registered a case for the offences under Sections 498(A) and 294(b) IPC without inserting Section 4 of Dowry Prohibition Act and Section 5 of TNPWH Act. Hence, this Court may transfer this case to any other competent authority for proper investigation.



4.The learned Government Advocate (Crl. Side) appearing for the respondents would submit that with regard to transfer of investigation there must be a strong evidence required against the investigation officer. However, this is purely a matrimonial dispute. Unless the petitioner makes an allegation against a particular police officer, who acted in bias manner, transfer of investigation cannot be made. In the present case, the petitioner did not raise any such ground.

5.This Court is of the considered view that this complaint is purely matrimonial dispute and the petitioner is the wife of the first accused and it is for the Law Enforcing Agency to register the case based on the complaint given by the petitioner. If there is any omission, it is open to the petitioner to work out her remedy in the manner known to law. However, filing a petition seeking transfer of investigation before this Court is not sustainable. Accordingly, this criminal original petition is dismissed.

Sd/-

Assistant Registrar (T & P)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Commissioner of Police,
Trichy City, Trichy.

2.The Inspector of Police,
All Women Police Station,
Cantonment, Trichy District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.R.YAMUNA, Advocate Sr. No.60007

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TR (22.04.2019) 2P 5C