



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

Crl.O.P.[MD]No.6059 of 2019

M.Ananda Krishnan

: Petitioner

/Vs./

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

2. The Inspector of Police,
CBCID, Tirunelveli.

3. The Inspector of Police (Crime),
Tirunelveli Town Police Station,
Tirunelveli Town, Tirunelveli District.

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the first Respondent to transfer the investigation from the file of the third respondent in Crime No.529 of 2014 on the file of the third respondent to the file of the second respondent forthwith and further direct the second respondent to conduct further investigation on the above case and to file a final report within a time bound manner.

For Petitioner : Mr.C.Kishore

For Respondents : Mr.V.Neelakandan

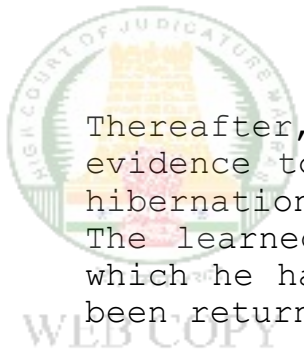
Additional Public Prosecutor

ORDER

The present petition is filed for transfer of investigation in Crime No.529 of 2014 from the file of the third respondent to the file of the second respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

3. The learned counsel appearing for the petitioner submitted that the petitioner is a former Professor in the Manonmaniam Sundaranar University with considerable educational and professional accomplishments to his credit, and he has lodged a complaint against the then Chancellor, the Registrar of the Manonmaniam Sundaranar University and the Principal and the Secretary of Malankara Catholic College, Mariagiri, Kaliyakkavilai, Kanyakumari District. The third respondent had chosen to drop the action on the ground that the allegation in the FIR constituted a mistake of fact and the referred charge sheet was laid on 20.01.2015. The petitioner thereafter laid protest petition before the concerned Magistrate Court, which had directed the third respondent to investigate the matter again.



Thereafter, the petitioner has produced voluminous documentary evidence to support the allegation, but the third respondent is in hibernation and he even refused to receive the documents produced. The learned counsel appearing for the petitioner showed a mail by which he has sent the documents to the third respondent, which have been returned with postal endorsement "refused".

4. This Court is now satisfied that the third respondent may not do a good job of what is required to do under law. This Court strongly suspects that there is a pre-designed pattern with which the third respondent approaches the investigation in this case. Therefore, this Court transfers the case to the second respondent. This Court also directs the Superintendent of Police, CBCID, Tirunelveli, to monitor the course of investigation. The investigation shall be done strictly as per the allegations made in the FIR and as per law and not based on the personalities involved. Accordingly, this Criminal Original Petition is allowed.

sd/
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Tirunelveli,
Tirunelveli City.
2. The Superintendent of Police,
CBCID, Tirunelveli.
3. The Inspector of Police,
CBCID, Tirunelveli.
4. The Inspector of Police (Crime),
Tirunelveli Town Police Station,
Tirunelveli Town, Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.C.KISHORE, Advocate (SR-63138[F] dated 26/04/2019)

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