



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2019

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P. (MD) .No.10971 of 2019

and

CRL.M.P. (MD) No.6918 of 2019

A.Nisha Christy

...Petitioner

Vs.

1.The state represented by  
The Inspector of Police,  
All Women Police Station,  
Thanjaur.

(Crime No.6 of 2018)

2.Alexander

3.Emili

4.Anand

5.Santhosh

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to withdraw the case in C.C.No.249 of 2018 on the file of the learned Judicial Magistrate at Thanjavur to transfer the same to the file of learned Judicial Magistrate at Ambathur, Chennai for further investigation.

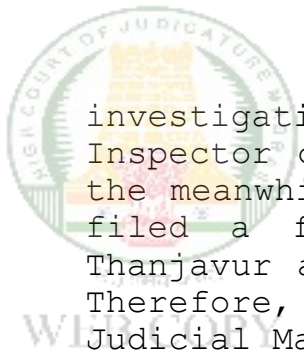
For Petitioner : Mr.D.Selvanayagam  
For R1 : Mr.K.Suyambulinga Bharathi,  
Government Advocate (Crl.Side)

For R3 and R4 : Mr.B.Anandan

### **ORDER**

This Criminal Original Petition has been filed to transfer the case C.C.No.249 of 2018 from the file of the learned Judicial Magistrate, Thanjavur to the file of learned Judicial Magistrate, Ambathur, Chennai

2.The learned counsel for the petitioner would submit that the petitioner lodged a complaint on 05.07.2017 before the All Women Police Station, Aavadi, Chennai. The said complaint was transferred to the first respondent / All Women Police Station, Thanjaur, without the knowledge of the petitioner. Thereafter, she filed a petition in Crl.O.P.No.28548 of 2018, seeking transfer of the case from the file of the first respondent / All Women Police Station, Thanjaur to the file of the All Women Police Station, Aavadi, Chennai. This Court by an order dated 12.12.2018, transfer the



investigation from the file of first respondent to the file of the Inspector of Police, All Women Police Station, Aavadi, Chennai. In the meanwhile, the first respondent completed the investigation and filed a final report before the learned Judicial Magistrate, Thanjavur and the same was taken cognizance in C.C.No.249 of 2018. Therefore, she seeks to transfer the entire case to the file of the Judicial Magistrate Court, Ambattur.

3.The learned Government Advocate (Criminal Side) would submit that before direction issued by this Court dated 12.12.2018, the first respondent completed the investigation and filed a final report before the learned Judicial Magistrate, Thanjavur.

4.The learned counsel for the second respondent would submit that this Court passed an order dated 12.12.2018, it was not brought to the knowledge of the first respondent. He also submitted that investigation already completed by the first respondent and final report was also filed. Therefore, he opposed this petition.

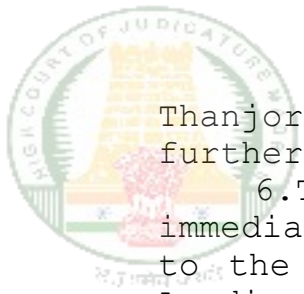
5.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the official respondent.

6.It is seen that the petitioner originally lodged a complaint before the Inspector of Police, Aavadi police Station and the same has been registered in Crime No.1 of 2018, and thereafter, the said crime has been transferred to the file of the first respondent and new crime number was assigned as Crime No.6 of 2019. Thereafter, the petitioner filed a transfer petition in Crl.O.P.No.28548 of 2018, this Court by an order dated 12.12.2018, passed an order and the relevant paragraphs are as follows:

3.The petitioner gave a complaint on 12.11.2015 before the second respondent police. A preliminary enquiry was also conducted by the All Women Police Station, Avadi and an FIR was also registered in Crime No. 1 of 2018, on 01.02.2018. After the registration of the FIR, the husband of the petitioner was also called for enquiry during investigation. However, subsequently, the FIR was unilaterally transferred to the file of the All Women Police Station, Thanjore and it was assigned Crime No.6 of 2018.

4.The learned counsel for the petitioner would submit that the case diary was transferred to the Thanjore Police Station only on the ground that the fourth respondent is residing in Thanjore. According to the petitioner, in view of the transfer, the entire investigation has come to a standstill and the petitioner who is resident of Avadi is not in a position to pursue further with the remedy.

5.In the facts and circumstances of the case, this Court is of the considered view that the investigation must continue before the third respondent police. By transferring



Thanjore, the petitioner has been denied her right to pursue further with the criminal case.

6.The All Women Police Station, Thanjore is directed to immediately send the entire case diary in Crime No.6 of 2018 to the Inspector of Police, W-29 All Women Police Station, Avadi within a period of ten days from the date of receipt of a copy of this order. Immediately on receipt of the entire case records, the third respondent shall proceed with the investigation in accordance with law.

7.In the meanwhile, the first respondent completed the investigation and filed a final report before the learned Judicial Magistrate at Thanjavur and the same was taken cognizance in C.C.No.249 of 2018.

8. Considering the above facts and circumstances, the learned Judicial Magistrate, Thanjore, is directed to send the entire records to the file of learned Judicial Magistrate, Ambattur, Chennai, within a period of two weeks from the date of receipt of a copy of this order. The learned Judicial Magistrate, Ambattur, Chennai, is directed to dispose of the case in C.C.No.249 of 2018, within a period of six months from the date of receipt of records.

9.With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar()

// True Copy //

Sub Assistant Registrar(CS)

das

To

1.The Judicial Magistrate, Ambattur, Chennai.

2.The Judicial Magistrate, Thanjore.

3.The Inspector of Police,

All Women Police Station, Thanjaur.

4.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.B.ANANDAN, Advocate Sr. No.90400

+1CC TO MR.D.SELVANAYAGAM, Advocate Sr. No. 90172

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CS (CO)

TR(16.10.2019) 3P 7C

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