



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P. (MD) No.11272 of 2019

WEB COPY

Amsavalli

: Petitioner

Versus

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

2. The Deputy Superintendent of Police,
O/o, the Deputy Superintendent of Police,
Sivagangai District, Sivagangai.

3. The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.

: Respondents

Prayer: Petition is filed under Section 482 of the Criminal Procedure Code to issue direction for transfer of investigation for the complaint dated 22.05.2019 on the file of the third respondent and entrust the same to the second respondent or any other competent authority and conduct a fresh, proper and speedy investigation and register a case under relevant provisions of SC/ST Act and file a final report.

For Petitioner : Mr.A.Haja Mohideen

For R-1 & R-2 : Mr.K.Suyambulinga Bharathi

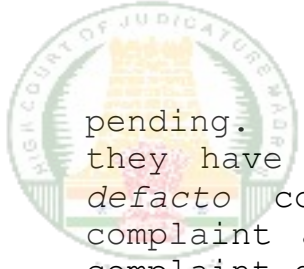
Government Advocate (Criminal side)

O R D E R

This petition has been filed to transfer the investigation on the file of the third respondent to some other agency.

2. According to the petitioner, earlier the petitioner's two sons were implicated in a criminal case, even though, the petitioner's sons have suffered serious injury. Based on the same, a complaint has been given by the petitioner before the third respondent Police. But, no action has been taken by the third respondent Police. Hence, the petitioner has filed the present petition seeking transfer of investigation to some other agency.

3. Today, when the matter was taken up for hearing, the learned Government Advocate (Criminal side) appearing for the respondents, on instructions, submitted that earlier, First Information Report has been registered against her two sons in Crime No.181 of 2019, for the offences under Sections 147, 148, 294(b), 324 and 307 of the Indian Penal Code and the enquiry on the same is



pending. The petitioner's sons have also given a confession that they have also involved in the occurrence and they attacked the defacto complainant. Thereafter, the petitioner has given a complaint as if her sons have seriously injured and based on the complaint given by the petitioner, enquiry has been conducted by the second respondent Police and since the enquiry reveals that it is only a false complaint, on 30.05.2019, the third respondent closed the complaint.

4. Considering the fact that already the petitioner's complaint has been enquired into and closed, at this stage, the prayer sought for by the petitioner cannot be granted. If at all the petitioner has any grievance over the closure report filed by the respondent Police, it is open to her, to avail appropriate remedy in the manner known to law.

5. The Criminal Original Petition stands dismissed accordingly.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Superintendent of Police,
Sivagangai District, Sivagangai.
- 2.The Deputy Superintendent of Police,
O/o, the Deputy Superintendent of Polcie,
Sivagangai District, Sivagangai.
- 3.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.A.HAJA MOHIDEEN, Advocate (SR-80985[F] dated 09/08/2019)

Order made in
Cr1.O.P. (MD) No.11272 of 2019
09.08.2019