



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2019

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P(MD).No. 20030 of 2018

J. Escalin Deepa

... Petitioner

Vs.

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

2. The Inspector of Police,
Karungal Police Station,
Karungal, Kanyakumari District.
(Crime No.02/2018)

... 1st & 2nd Respondents/Complainant

3. Sumesh @ Ramesh

4. Rajeesh

5. Kumaresan

... Respondents 3 to 5/Proposed Accused

PRAYER: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to issue a direction, directing the 1st respondent to transfer the investigation of the case in Cr. No.02/2018 dated 01.01.2018 for the offences under section 380, 436, 457 IPC from the file of the second respondent to the file of the first respondent himself or to any other investigating agency under the supervision of the first respondent, and to file the final report thereon before the Judicial Magistrate Eraniel, Kanyakumari District the time stipulated by this Court.

For Petitioner

: Mr.G. Aravinthan

For Respondents-1 & 2

: Mr.K.Suyambulinga Bharathi
Government Advocate(Crl.Side)

O R D E R

This Criminal Original Petition has been filed to issue a direction, directing the 1st respondent to transfer the investigation of the case in Cr. No.02/2018 dated 01.01.2018 for the offences under sections 380, 436, 457 of IPC from the file of the second respondent to the file of the first respondent himself or to any other investigating agency under the supervision of the first respondent, and to file the final report thereon before the Judicial Magistrate Eraniel, Kanyakumari District the time stipulated by this Court.

2. Based on a complaint lodged by the complainant a case has
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been registered in Crime No.2 of 2018 for the offences punishable under sections 380, 436, 457 of IPC.

3. The allegations are that when the petitioner/defacto complainant with her children went to prayer at CSI Church, Paramankonam on 31.12.2017 at about 07.00 p.m., the unknown persons had entered into their house and taken away valuables and also set fire on her house. Immediately, to her relatives informed to the police station and also the Fire and Rescue Services Department controlled fire. Now, the second respondent conducted investigation and enquired with the respondents-3 to 5 again.

4. Considering the facts and circumstances, at this stage, the transfer of investigation would affect the entire investigation in Crime No.2 of 2018. However, the second respondent is directed to complete investigation and file final report, within a period of Eight weeks, from the date of receipt of copy of the order. The first respondent is directed to monitor the investigation conducted by the second respondent and also ensure that the second respondent shall comply the directions issued by this Court.

4. With the above directions, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Superintendent of Police,
Kanyakumari District, Kanyakumari.
2. The Inspector of Police,
Karungal Police Station,
Karungal, Kanyakumari District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.G.ARAVINTHAN, Advocate Sr. No. 92595

Crl.O.P (MD) No. 20030 of 2018
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