

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2020

CORAM

THE HON'BLE Mr. JUSTICE P.N. PRAKASH

Crl.O.P.No.5403 of 2018

Ellammal

... Petitioner

Vs.

1.The Commissioner of Police,  
Greater Chennai, Vepery,  
Chennai - 7.

2.State represented by  
The Inspector of Police,  
Selaiyur Police Station,  
Selaiyur, Chennai - 600 073.  
(Crime No.1209 of 2017)

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.  
to direct the first respondent police to transfer the  
investigation in Crime No.1209 of 2017 on the file of the second  
respondent police to any other investigation agency.

For Petitioner : Mr.T.Sundaravadanam

For Respondents: Mrs.P.Kritika Kamal  
Govt.Advocate  
(Crl.Side)

O R D E R

This case is taken up through video conferencing.

2. This criminal original petition is filed to direct the  
first respondent police to transfer the investigation in Crime  
No.1209 of 2017 on the file of the second respondent police to  
any other investigation agency.

3. The petitioner's daughter Girija died on 19.07.2017,  
pursuant to which, on the complaint lodged by her husband  
Veeramani, the police registered a case in Crime No.1209 of 2017  
on 19.07.2017 under Section 174 Cr.P.C.

4. Not satisfied with the progress of investigation, this petition has been filed by the mother of Girija for transfer of investigation.

5. Heard Mr.T.Sundaravadanam, learned counsel for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) appearing for the respondents.

6. The learned Government Advocate (Crl.Side) submitted that the investigation in Crime No.1209 of 2017 was completed and further action dropped report was filed before the Executive Magistrate-cum-Tahsildar, Tambaram on 16.08.2017. She also submitted that RC notice was served on Veeramani on 23.12.2018.

7. The learned counsel for the petitioner submitted that the investigation was perfunctory and there are sufficient materials to show that the police have shielded the perpetrators of the offence.

8. This Court gave its anxious consideration to the rival submissions.

9. To give a fair opportunity to the petitioner to ventilate her grievance, direction is given to the Executive Magistrate, Tambaram, to take photocopies of the entire records in Selaiyur Police Station Crime No.1209 of 2017 and after retaining the photocopies of the same in his file, transfer the originals to the file of the Judicial Magistrate Court, Tambaram, within four weeks from the date of receipt of a copy of this order.

10. On receipt of the documents, the Judicial Magistrate, Tambaram, is directed to issue notice to the petitioner through the second respondent.

11. Liberty is given to the petitioner to file a protest application before the Judicial Magistrate Court, Tambaram, within four weeks from the date of receipt of the records by the Magistrate. On protest application being filed, the Magistrate shall deal with the same in accordance with law.

In the result, this criminal original petition is disposed of.

Sd/-  
Assistant Registrar(CS III)

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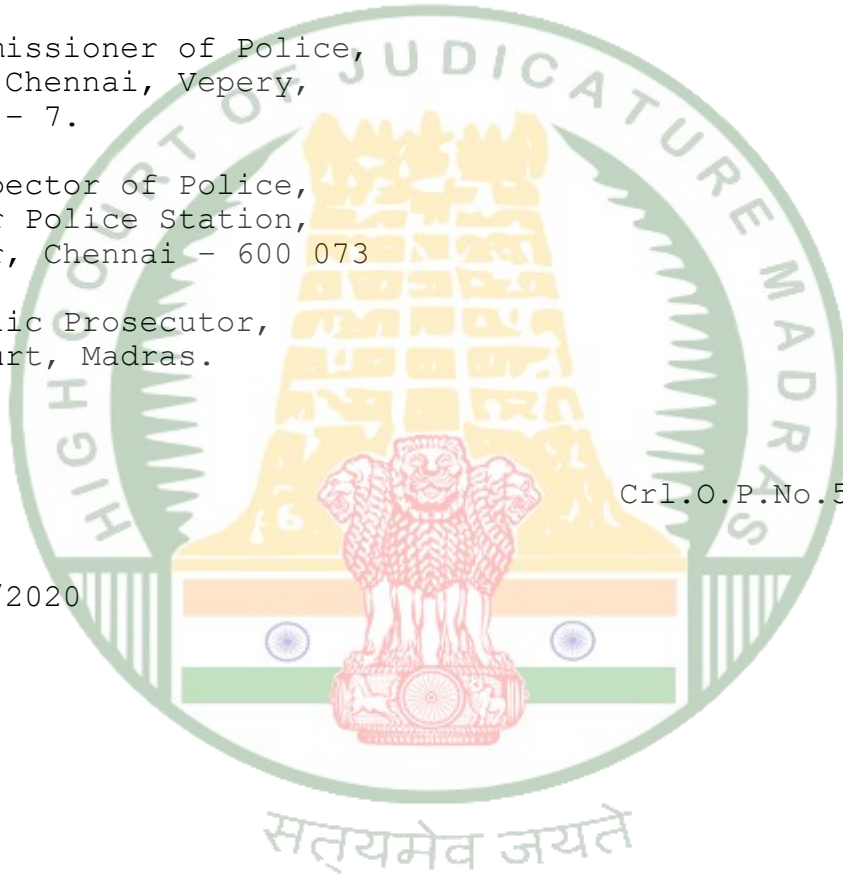
Sub Assistant Registrar

To

- 1.The Judicial Magistrate,  
Tambaram.
- 2.-Do- Thro' The Chief Judicial Magistrate,  
Chengalpet.
- 3.The Executive Magistrate-cum-  
Tahsildar,  
Tambaram.
- 4.The Commissioner of Police,  
Greater Chennai, Vepery,  
Chennai - 7.
- 5.The Inspector of Police,  
Selaiyur Police Station,  
Selaiyur, Chennai - 600 073
- 6.The Public Prosecutor,  
High Court, Madras.

ajs[col]  
srg 08/10/2020

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