

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.10437 of 2020

Niranjini F/41 yrs,
D/o.Fathinathan,
No.93, KGR Vinoth Town,
Perumalpattu, Veppampattu,
Thiruvallur-602024.

... Petitioner

Vs

The Inspector of Police,
W-4 All Women Police Station,
Kilpauk, Chennai-600 010.
Cr.No.1 of 2020.

... Respondent

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. Praying to transfer the investigation in Crime No.1 of 2020 pending on the file of Inspector of Police, W-4, All Women Police Station, Kilpauk, Chennai to CBCID, Chennai or some other competent authority.

For Petitioner : Mr.S.Suresh

For Respondent : Mr.Karthikeyan

Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed seeking for change of investigation in Crime No.1 of 2020 pending from the file of the respondent to any other investigating agency such as CBCID, Chennai.

2. The learned counsel for the petitioner would submit that on the complaint lodged by the petitioner, the respondent registered a case in Crime No.1 of 2020 for the offences under sections 294(b), 354-A, 506(i), 509 IPC r/w. 4 of TNPWH Act 2002. Since, the accused indulged in the same offences, the petitioner again registered another complaint and the same was also registered in Crime No. 3 of 2020 as against the accused. In fact , the accused filed anticipatory bail and the same was granted by the Principal Sessions Court in which, the respondent failed to make proper objections while granting anticipatory

bail though, the accused again and again had indulged in the same kind of offence. Further, the petitioner is being a lady, she has not been protected properly by the respondent by arresting the accused person. In fact the accused also filed a petition for extension of time to execute the sureties and the same was also granted. Even thereafter, the accused failed to execute sureties before the concerned Court. Therefore, he sought for change of investigation.

3. It is seen that the only allegation made as against the respondent is that the respondent police failed to make proper objection while granting anticipatory bail though the accused had repeatedly indulged in same kind of Crimes. Further, the respondent have not secured the accused and also failed to protect the petitioner who is a lady, from the hands of the accused.

4. The learned Additional Public Prosecutor submitted that investigation is still under progress and because of the anticipatory bail granted by the Court's concerned, the respondent could not be able to secure the accused. Further, not arresting the accused person is not a ground to transfer the investigation from the file of the said respondent to other investigating agency.

5. In view of the above submission made by the learned Additional Public Prosecutor, the transfer of investigation cannot be considered. Accordingly, this Criminal Original Petition is dismissed. However the petitioner is at liberty to approach the concerned Court for cancelling the anticipatory bail granted to the accused.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

mpa
To

1. The Inspector of Police,
W-4 All Women Police Station,
Kilpauk, Chennai-600 010.

2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.10437 of 2020

AD(CO)
RMP(06/08/2020)