

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.13331 of 2020

Vanitha

... Petitioner

.Vs.

State Rep by

1.The Superintendent of Police
Salem District, Salem.

2.The Inspector of Police
Attur Rural Police Station
Attur, Salem District.
(Crime No.184/2020)

3.The Superintendent of Police
CBCID, Salem
Salem District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the 1st respondent to transfer the investigation in Cr.No.184 of 2020 from the file of the Inspector of Police, Attur Rural Police Station, Attur, Salem District, the 2nd respondent herein to the file of the Superintendent of Police, CBCID, Salem District, the 3rd respondent herein.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.S.Karthikeyan

Additional Public Prosecutor.

O R D E R

The Criminal Original Petition has been filed to direct the 1st respondent to transfer the investigation in Cr.No.184 of 2020 from the file of the Inspector of Police, Attur Rural Police Station, Attur, Salem District, the 2nd respondent herein to the file of the Superintendent of Police, CBCID, Salem District, the 3rd respondent herein.

2.The learned counsel for the petitioner would submit that on 27.04.2020, the Sub-Inspector of Police, of the 2nd

respondent police station, attempted to arrest one Nijanthan, S/o Periyasamy, who is working in a private institution, with regard to sale of illicit arrack. In this regard, the petitioner's husband supported the Nijanthan and requested the police official, not to arrest him. Thereafter the said police official left the place and again on the next day along with another Sub-Inspector of Police, came to the house of the petitioner and informed her husband that DSP calling him for enquiry and taken him to the 2nd respondent police station. Again on the same day at about 08.15 am, ten rowdy elements came to the house of the petitioner with deadly weapons and damaged entire household articles and also made life threat to the family members of the petitioner. Further they abused the petitioner with filthy language. Hence, the petitioner herein lodged a complaint before the 2nd respondent and the same was registered in Crime No.184 of 2020 for the offence under Sections 147, 148 and 506(ii) of IPC and Section 3 of the TN Public Property (Prevention of Damage & Loss) Act, as against the accused persons and not included the names of the Sub-Inspector of Police of the 2nd respondent police station. Therefore, the petitioner could not get fair investigation from the file of the 2nd respondent herein and sought for transfer of the same.

3.Per contra the learned Additional Public Prosecutor filed status report and would submit that after registering the FIR in Crime No.184 of 2020, the respondent police arrested the accused persons 1 and 2 and remanded to judicial custody. A3 to A5 obtained anticipatory bail before the Sessions Court, Salem in C.M.P.No.1851 of 2020 by order date 16.06.2020. After recording statements from the witnesses and after getting the damage certificate, on 07.05.2020 the 2nd respondent altered the offence into Sections 147, 148, 294(b), 448, 427 and 506 (ii) of IPC as against the accused persons 1 to 6. Now, investigation is almost completed and the respondent police is about to file the final report. At this juncture, transfer of investigation would affect the entire investigation already done by the investigating officer. Therefore, he sought for dismissal of the petition.

4.Considering the above submission, it is seen that the allegations against the two Sub-Inspector of Police of the 2nd respondent police station have not been registered, instead six accused persons were arrested in connection with the Crime No.184 of 2020. Though the 2nd respondent registered the case as against the accused persons 1 to 6, did not enquire the police officials who involved in the crime, as alleged by the petitioner herein. Therefore, this Court is inclined to transfer the investigation from the file of the 2nd respondent to the Deputy Superintendent of Police, Attur Division, Salem

District. Accordingly, the entire case diary in respect of the Crime No.184 of 2020 is hereby withdrawn from the file of the 2nd respondent and transferred to the Deputy Superintendent of Police, Attur Division, Salem District, for further investigation. On receipt of the entire case diary, the Deputy Superintendent of Police, Attur Division, Salem District, is directed to complete the investigation and file final report within a period of 12 weeks from the date of receipt of a copy of this order.

5. With the above direction, the Criminal Original Petition is allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police
Salem District, Salem.
2. The Inspector of Police
Attur Rural Police Station
Attur, Salem District.
(Crime No.184/2020)
3. The Superintendent of Police
CBCID, Salem
Salem District.
4. The Deputy Superintendent of Police
Attur Division, Salem District.
5. The Public Prosecutor
High Court of Madras.

Cr1.O.P.No.13331 of 2020

vsn ii (co)
rr ii (11/11/2020)