

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 11.09.2020
CORAM:
THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.14254 of 2020

Selvi

... Petitioner

Vs.

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

2. The Deputy Superintendent of Police,
Omalar, Salem District.

3. The Inspector of Police,
All Woman Police Station,
Omalar,
Salem District.

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to direct the 1st and 2nd respondent to transfer the investigation of the case in Crime No.6 of 2020 on the file of the 3rd respondent to any other officer under the supervision of the 2nd respondent and conduct the proper investigation within the time stipulated as prescribed by this Court.

For Petitioner : Mr.M.Rajendiran

For Respondents : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the 1st and 2nd respondent to transfer the investigation of the case in Crime No.6 of 2020 on the file of the 3rd respondent to any other officer under the supervision of the 2nd respondent and conduct the proper investigation within the time stipulated as prescribed by this Court.

2. The learned counsel for the petitioner would submit that the petitioner's daughter aged about 14 years was kidnapped by the accused and had physical relationship on compulsion. After a long period, she was secured and produced before the learned Magistrate. On her statement, it reveals that on false prediction to marry the victim, the accused committed rape on

minor girl aged about 14 years and also threatened the family members of the victim to withdraw the complaint lodged by them. Even then, the 3rd respondent did not take any steps to secure the accused and simply kept the matter in cold storage for the serious offence on the minor girl aged about 14 years. Even then, they did not pursue with the investigation and did not take any steps to secure the accused person and therefore, he sought for transfer of investigation.

3. The learned Additional Public Prosecutor submitted that on receipt of the complaint, F.I.R., has been registered in Crime No.6 of 2020 for the offences under Sections 363, 366, 506 (i) of IPC and Section 5(i) and 6 of POCSO Act, 2012. Thereafter, the victim was secured and produced before the concerned Magistrate and recorded her statement under Section 164 of Cr.P.C. and it is also revealed that on prediction of false marriage, the victim was kidnapped by the accused and had physical relationship. Now, the 3rd respondent is vehemently searching the accused to secure him and investigation is still pending.

4. It is seen that the petitioner's daughter, aged about 14 years was kidnapped by the accused on prediction of false marriage and the accused also committed physical relationship on the victim. However, she was secured and her statement was also recorded under Section 164 of Cr.P.C., It is also revealed that the petitioner's daughter was kidnapped by the accused and committed rape on her, though the 3rd respondent rightly registered the case against the accused, the 3rd respondent did not take any steps to secure the accused till today. Since FIR was registered on 14.06.2020, it is also seen that due to COVID-19 Pandemic, the 3rd respondent could not able to secure the accused.

5. Considering the above facts and circumstances, the change of investigation would not serve any purpose. However, the 3rd respondent is directed to secure the accused and proceed with the investigation in accordance with law forthwith. Further, the 2nd respondent is directed to monitor the investigation done by the 3rd respondent and ensure that the 3rd respondent shall comply the direction issued by this Court.

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

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

ssn
To

1. The Superintendent of Police,
Salem District,
Salem.
2. The Deputy Superintendent of Police,
Omalur, Salem District.
3. The Inspector of Police,
All Woman Police Station,
Omalur,
Salem District.
4. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.14254 of 2020

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