

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 16.09.2020
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.14376 of 2020

Sundararaj, Male Aged 45 years,
S/o.Chinnasamy,
Periyar Nagar,
Kilpuliur Village, Kunnam Taluk,
Perambalur District.

... Petitioner

-Vs-

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

2.The Inspector of Police,
District Crime Branch,
Perambalur.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure read with Section 407 of Cr.P.C, to direct the first respondent herein to transfer the case in Crime No.03 of 2020 on the file of second respondent and transfer the same to some other Inspector of Police under the first respondent and investigate the case in accordance with law.

For Petitioner : Mr.K.Thenrajan

For Respondents : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

This petition has been filed to direct the first respondent herein to transfer the case in Crime No.03 of 2020 on the file of second respondent and transfer the same to some other Inspector of Police under the first respondent and investigate the case in accordance with law.

2.The learned counsel appearing for the petitioner submitted that on the complaint lodged by the petitioner, the 2nd respondent registered the FIR in Crime No.03 of 2020 for the offences punishable under Sections 120(B), 406, 463, 465, 468, 471 and 420 of IPC as against five accused persons. Without conducting any investigation, the 2nd respondent simply let out the accused persons on anticipatory bail, without making serious

objection before this Court. It shows that the 2nd respondent did not conduct proper investigation in the crime. Therefore, he sought for transfer of investigation.

3.Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the respondents submitted that there are totally five accused in Crime No.03 of 2020 registered for the offences punishable under Sections 120(B), 406, 463, 465, 468, 471 and 420 of IPC. A1 to A4 obtained anticipatory bail before the District and Sessions Court and in so far as the A5 is concerned he obtained anticipatory bail before this Court. All the allegations pertains to the document and as such the 2nd respondent already sent a communication to the District Registrar, Ariyalur for getting details. Therefore, he further submitted that the crime was registered only on 02.07.2020 and the investigation is going on with full-fledged manner.

4.It is seen that on the complaint lodged by the petitioner, the 2nd respondent registered the FIR in Crime No.03 of 2020 for the offences punishable under Sections 120(B), 406, 463, 465, 468, 471 and 420 of IPC only on 02.07.2020. Now, not even completion of two months, the petitioner is now seeking for the transfer of investigation only on the ground that the accused persons were let out on anticipatory bail and the 2nd respondent did not furnish any materials in the anticipatory bail. The grant of anticipatory bail is of the discretion of the Court. Therefore, this is not the ground for transfer of investigation. Now, the 2nd respondent also proceeded with the investigation even in the COVID-19 pandemic circumstances. Therefore, this petition is devoid of merits and the same is dismissed. However, the 2nd respondent is directed to complete the investigation and file a final report as expeditiously as possible.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gbi

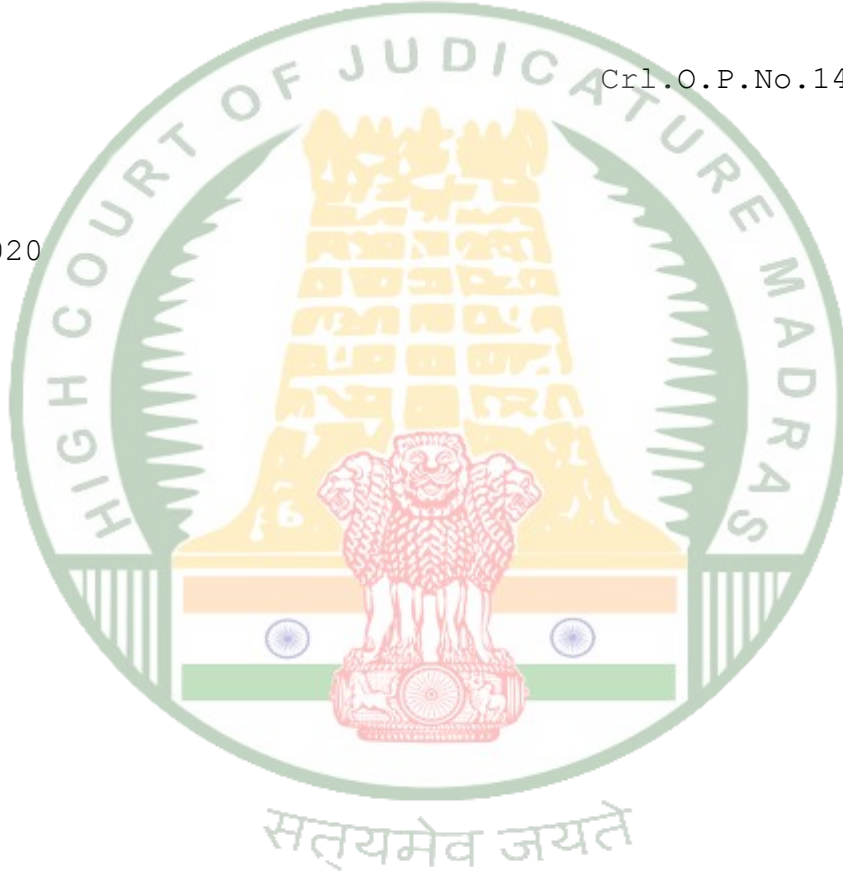
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To

- 1.The Superintendent of Police,
Perambalur District,
Perambalur.
- 2.The Inspector of Police,
District Crime Branch,
Perambalur.
- 3.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.14376 of 2020

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