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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.14815 of 2020

M.Anandhi, F/A-31,
D/o.Mani,
No.607, 13th Block Kesava Pillai Park,
Demallows Road, Perambur Barracks,
Chennai - 600 012.

...Petitioner/Defacto
Complainant

Vs

1. The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai - 600 007.

2. State represented by
Inspector of Police,
W-16, Pulianthope All Woman Police Station,
Chennai.

...Respondents/Complainant

Prayer:Criminal Original Petition filed under Section 482
Cr.P.C. to direct the respondent to transfer the investigation
in Crime No.9 of 2020 under Sections 417, 376 and 109 of IPC on
the file of the second respondent.

For Petitioner : No Appearance

For Respondents: Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

This petition has been filed for transfer of investigation
in Crime No.9 of 2020 from the file of the 2nd respondent to the
file of any other investigating agency for proper investigation.

2.It is averred that on the complaint lodged by the
petitioner as against the accused persons, the 2nd respondent
registered the FIR in Crime No.9 of 2020 for the offences under
Sections 417, 376 and 109 of IPC alleging that the 1st accused on
the protest of marriage falsely promised and had physical
relationship. Thereafter he failed to marry the victim and
hence, the complaint. After registration of complaint, the 2nd



respondent did not even conduct any enquiry and did not taken any steps to secure the accused persons. Therefore, the petitioner sought for transfer of investigation.

3.Per Contra, the learned Additional Public Prosecutor submitted that the crime was registered only on 14.08.2020. After registration of the FIR, the 2nd respondent so far recorded the statement from six persons and also made request to the concerned Magistrate for recording the evidence statement of the victim girl under Section 164 Cr.P.C. Further the victim was subjected to medical examination and report is awaited. Now, the accused persons are absconding and due to COVID-19 pandemic circumstances, the 2nd respondent could not able to secure the accused persons.

4.Heard the learned counsel appearing for the respondents.

5.Considering the above submission, now the 2nd respondent is in progress with the full-fledged investigation and so far examined six witnesses. The 2nd respondent is also awaiting for medical report and taking steps to secure the accused persons. At this circumstances, the change of investigation would affect entire investigation so far as conducted by the 2nd respondent herein. Therefore, this transfer of investigation cannot be considered and dismissed. However the 2nd respondent is directed to complete the investigation and to file a final report within the period of sixteen weeks from the receipt of copy of this order. The allegations are very serious in nature and as such the 2nd respondent also directed to take necessary steps to secure the accused persons in the manner known to law. The 1st respondent is directed to monitor the investigation.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
W-16, Pulianthope All Woman Police Station,
Chennai.



3. The Public Prosecutor,
High Court, Madras.

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NMI (CO)
RV (21/10/2020)

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