



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.09.2020
CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

CRL OP(MD)No.7369 of 2020

WEB COPY

O.Lingam ... Petitioner / Complainant

Vs.

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

2.The Inspector of Police,
Vandalur Police Station,
Madurai District.

3.Sivakumar, S/o.Mayi

4.Mayi, S/o.Thotha Vellai

5.Murugeswari, W/o.Mayi

6.Ramu, D/o.Pitchai

7.Nivedha, W/o.Palpandi

8.Palpandi, S/o.Perumal ... Respondents

PRAYER: Petition filed under Section 482 of Criminal Procedure Code, praying to transfer the investigation of the case in Crime No.18 of 2020, pending on the file of the second respondent Police Station to any other independent agency or officer under the direct supervision of the first respondent Police.

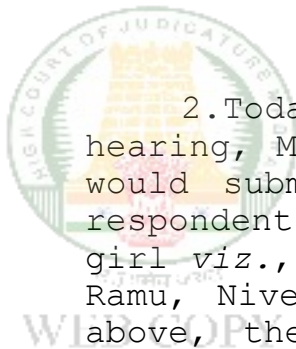
For Petitioner : Mr.V.Sukumar

For R1 and R2 : Mr.S.Chandrasekar
Additional Public Prosecutor

For R3 to R8 : Mr.J.Selvin Rajesh

ORDER

This Criminal Original Petition has been filed seeking direction, to direct the first respondent to transfer the investigation of the case, registered in Crime No.18 of 2020, pending on the file of the second respondent Police to any other independent agency or Officer under the direct supervision of the first respondent Police.



2.Today, when the Criminal Original Petition is taken up for hearing, Mr.V.Sukumar, learned counsel appearing for the petitioner would submit that in the alteration report filed by the second respondent Police dated 16.03.2020, it was mentioned as the victim girl viz., Kamali was kidnapped by one Sivakumar, Mayi, Murugeswari, Ramu, Nivetha and her husband Palpandi. Even after mentioning as above, the second respondent Police had not taken any effective steps to secure the above said accused and therefore, the petitioner is before this Court with the present Criminal Original Petition for the relief stated supra.

3.In this regard, Mr.S.Chandrasekar, learned Additional Public Prosecutor appearing for the respondents 1 and 2, on instructions, would submit that during the time of occurrence, the victim girl had voluntarily eloped with one Sivakumar, the third respondent herein, for which, earlier, she gave an affidavit before the Notary Public, further, he has produced the copy of the affidavit given by the victim girl, in which, it has been stated by the victim girl as she eloped with the third respondent on her own volition.

4.Therefore, the above said facts and circumstance of the case would clearly reveal the fact that the victim girl viz., Kamali eloped with the third respondent on her own volition. In the said circumstances, the petitioner herein did not raise any specific allegations against the second respondent/Investigation Officer. Further, the petitioner did not indicate the special circumstance, which warrants interference by this Court to transfer the investigation in Crime No.18 of 2020, pending on the file of the second respondent to any other independent agency or Officer under the direct supervision of the first respondent Police.

5.On the other hand, the document relied on by the learned Additional Public Prosecutor would clearly reveal the fact that nobody has involved intensively in the alleged occurrence. Therefore, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

- 1.The Superintendent of Police,
Madurai District,
Madurai.
- 2.The Inspector of Police,
Valandur Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL OP(MD)No.7369 of 2020
01.09.2020

smn2

SDS (07.09.2020) 3P-4C