



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.08.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

Crl.O.P.(MD)No. 8241 of 2020

WEB COPY

Radha Nanthini

... Petitioner

Vs.

1. The Superintendent of Police,
O/o. the Superintendent of Police,
Kanyakumari District.
2. The Deputy Superintendent of Police,
Nagercoil Sub-Division,
Kanyakumari District.
3. The Inspector of Police,
All Women Police Station,
Nagercoil, Kanyakumari District.
(Crime No.16 of 2020)

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to issue a direction, directing the first respondent to withdraw the case in Crime No.16 of 2020, dated 20.03.2020, under Sections 498(A), 406, 294(b), 494, 120(b), 506(ii) of IPC and sections 4 and 6 of Dowry Prohibition Act, 1961, on the file of the third Respondent and entrust the same to the second Respondent for fair investigation and file a final report before the Competent Court.

For Petitioner	: Mr.I. Pinaygash
For Respondents	: Mr.S.Chandrasekar
	Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking direction to direct the first respondent to withdraw the case in Crime No.16 of 2020, dated 20.03.2020, registered for the offence under Sections 498(A), 406, 294(b), 494, 120(b), 506(ii) of IPC and sections 4 and 6 of Dowry Prohibition Act, 1961, on the file of the third Respondent and entrust the same to the second Respondent for fair investigation.

2.The learned counsel appearing for the petitioner would submit that, in earlier, as per the order passed by the Judicial Magistrate (Additional Mahila Court) in Cr.M.P.No.122 of 2020, which



is filed under Section 156 (3) of Cr.P.C, the third respondent herein registered the above referred case. After registration of the same, till now none of the witnesses have been examined for the purpose of investigation. Further no accused have been secured and produced before the Magistrate and therefore, the said attitude committed by the third respondent reveals the fact that he has not conducted investigation in proper manner. Accordingly, transferring the investigation to the file of the second respondent is necessary for fair investigation.

3.Mr.S.Chandrasker, learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 3, on instructions, would submit that after registering the case, the third respondent has properly initiated investigation and the same is pending for further investigation.

4.Upon considering the arguments advanced by either side, though it was submitted by the learned Additional Public Prosecutor that already an investigation has been initiated, he has not stated the details of investigation i.e. number of witness examined, securing the accused etc.

5.Therefore, considering the facts and circumstances of the case, it would appropriate to give direction to the second respondent to monitor the investigation to be done by the third respondent in Crime No.16 of 2020, dated 20.03.2020, as per law.

6.Accordingly, this Criminal Original Petition is disposed of with a direction to the second respondent to monitor the investigation to be done by the third respondent in Crime No.16 of 2020, dated 20.03.2020, as per law.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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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,
O/o. the Superintendent of Police,
Kanyakumari District.
2. The Deputy Superintendent of Police,
Nagercoil Sub-Division,
Kanyakumari District.
3. The Inspector of Police,
All Women Police Station,
Nagercoil, Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P.[MD]No. 8241 of 2020
06.08.2020

VB (18.08.2020) 3P 5C