



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.08.2020**

CORAM:

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

CrI.O.P.[MD]No.8418 of 2020

Ponsekar

... Petitioner

Vs.

1.The Director General of Police,
No.1, Kamarajar Salai, Mylapore,
Chennai.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.

4.The Inspector of Police,
Eral Police Station,
Thoothukudi District.
(Crime No.350 of 2020)

5.The Inspector of Police,
CBCID,
Thoothukudi District.

6.B.Jothikumar

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to transfer the investigation of the case in crime No.350 of 2020 on the file of the fourth respondent to any other competent investigating agency more fully the Inspector of Police, CBCID Thoothukudi or any other agency.

For Petitioner : Mr.S.Mandhiralingeswaran

For R-1 to R-5 : Mr.S.Chandrasekar
Additional Public Prosecutor

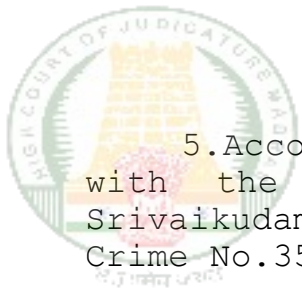
**ORDER**

This criminal original petition has been filed seeking a direction to direct the second respondent police to withdraw the investigation made in Crime No.350 of 2020 on the file of the fourth respondent and transfer the same to any other competent investigating agency, more fully, the Inspector of Police, CBCID, Thoothukudi or any other agency.

2.The learned counsel appearing for the petitioner would submit that in earlier the first and second accused in Crime No.350 of 2020 pending on the file of the fourth respondent, started living together without solemnizing the marriage. In the month of June 2020, the first accused namely Chinnadurai adopted two months old infant and brought into his home. When the same was questioned by the petitioner herein, the accused Chinnadurai had not given the details of adoption. Therefore, on 06.07.2020, the petitioner gave a detailed written complaint to the Child Welfare Officer and District Collector, Thoothukudi. On basis of the same, an enquiry had been conducted on 08.07.2020. At the time of enquiry, it was found that the infant's biological parents are Pandiselvam and Panchavarnam. The baby was born on 02.06.2020 in Shifa Hospital Chettinaickenpatti, Dindugal. In this regard, though the case has been registered in the above referred crime number, the fourth respondent police did not take any action against the accused. Therefore, the change of investigation is necessary.

3.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petition mentioned case has been registered by the fourth respondent only on 15.07.2020 and thereafter, due to COVID-19, the investigation has not been completed immediately. He would further submit that one of the accused in the alleged occurrence had been arrested and remanded to the judicial custody. Hence, he seeks further time for completing the investigation in the above referred case.

4.Upon considering the arguments advanced by either side, it is not in dispute that this petition has been filed by the petitioner within one month from the date of registration of the First Information Report. Considering the situation that the entire nation was suffering from COVID-19, it is impossible for the police officer to complete the investigation within a period of one month for this type of offence. Therefore, it cannot be said that the fourth respondent had not actively conducted the investigation and the change of investigation is not necessary. However, considering the facts and circumstances of the case, it would be appropriate to give direction to the Deputy Superintendent of Police, Srivaikudam, Thoothukudi District, to monitor the investigation in Crime No.350 of 2020.



5. Accordingly, this Criminal Original Petition is disposed of with the direction to the Deputy Superintendent of Police, Srivaikudam, Thoothukudi District, to monitor the investigation in Crime No.350 of 2020 on the file of the fourth respondent.

Sd/-

Assistant Registrar ()

// 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 Director General of Police,
No.1, Kamarajar Salai, Mylapore, Chennai.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.
- 4.The Inspector of Police,
Eral Police Station, Thoothukudi District.
- 5.The Inspector of Police,
CBCID, Thoothukudi District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CrI.O.P.[MD]No.8418 of 2020
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