



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.10278 of 2020

and

Crl.M.P. (MD)No.4741 of 2020

WEB COPY

P.Janarthana

... Petitioner

Vs

1.The Director General of Police (DGP)

State of Tamil Nadu

Chennai

2.The Commissioner of Police

Office of the Commissioner of Police

Tirunelveli District

3.The Inspector of Police

Perumalpuram Police Station

Tirunelveli City

Tirunelveli District

(Crime No.133 of 2019)

....Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to transfer F.I.R.No.133 of 2019 dated 21.05.2019 on the file of the third respondent investigating the petitioner's Criminal complaint to the CBCID or any other higher agency and for consequential action.

For Petitioner : Ms.Lita Srinivasan

For Respondents : Mr.V.Neelakandan

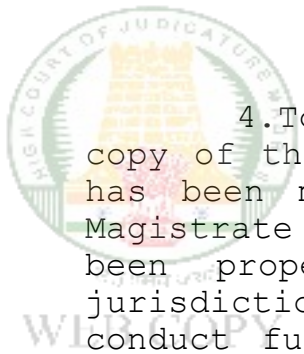
Additional Public Prosecutor

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

2.The petitioner is the defacto complainant in Crime No.133 of 2019 registered on the file of the third respondent. This Criminal Original Petition has been filed seeking transfer of investigation.

3.When the matter was taken up for hearing, it was reported by the learned Additional Public Prosecutor that the final report has been filed. I therefore permitted the petitioner to file a protest petition before the jurisdictional Magistrate and called upon the jurisdictional Magistrate to take a call on the final report filed by the police.



4.Today when the matter was listed for hearing before me, the copy of the order dated 14.10.2020 made in Crl.M.P.No.5766 of 2020 has been made available. It is seen therefrom that the learned Magistrate has given a clear finding that the investigation has not been properly done by the third respondent. Therefore, the jurisdictional Magistrate has directed the third respondent to conduct further investigation and file the final report within a period of two months.

5.The learned counsel for the petitioner expressed her apprehension that the third respondent may not be the right person to carry on with further investigation.

6.I find the said apprehension to be reasonable. The First Information Report was lodged way back on 21.05.2019. Nothing was done in the matter for several months. Only when the transfer petition was filed, the final report has been filed in a hurried manner. Even in the final report, several persons against whom specific overtact has been attributed and whose presence could be seen in the CCTV footage had been omitted for the reasons best known to the third respondent. Therefore, interest of justice requires that the further investigation shall be carried on by the Inspector of Police, C.B.C.I.D., Tirunelveli.

7.This Criminal Original Petition is allowed, accordingly. Consequently, connected miscellaneous petition is closed.

8.I record my appreciation for the speedy and proper manner in which the learned Judicial Magistrate No.I, Tirunelveli had conducted the proceedings.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

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 Judicial Magistrate No.I
Tirunelveli
- 2.The Director General of Police (DGP)
State of Tamil Nadu
Chennai
- 3.The Commissioner of Police
Office of the Commissioner of Police
Tirunelveli District
- 4.The Inspector of Police
Perumalpuram Police Station
Tirunelveli City
Tirunelveli District
- 5.The Inspector of Police,
C.B.C.I.D., Tirunelveli.
- 6.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai

Crl.O.P (MD) No.10278 of 2020
and
Crl.M.P. (MD) No.4741 of 2020
16.10.2020

KM(CO)
KB(05.11.2020) 3P 7C