



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12.10.2020

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THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Cr1.OP(MD)No.16619 of 2017

WEB COPY

Aazhagi : Petitioner

Vs.

1. The Commissioner of Police,
Madurai.

2. The Inspector of Police,
Mathichayam Police Station,
Madurai City.

3. The Superintendent of Police,
CBCID, Chennai.

: Respondents

Prayer: Criminal Original Petition filed under section 482 of the Criminal Procedure Code, to direct the 1st respondent to transfer the pending investigation in Crime No.1163 of 2016 on the file of the 2nd respondent to the 3rd respondent or any other higher official.

For Petitioner : Mr.B.Sekar
for Mr.P.Ganapathi Subramanian

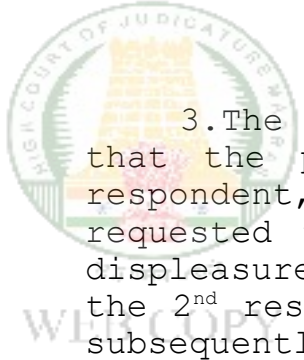
For Respondents : Mr.K.Karmegam
Government Advocate
(Criminal side)

O R D E R

(Thro' VC)

This criminal original petition is filed to direct the 1st respondent to transfer the investigation in Crime No.1163 of 2016 on the file of the 2nd respondent to the 3rd respondent or any other higher official.

2.The petitioner herein preferred a complaint before the 2nd respondent stating that on 19.09.20215, when she and her husband went to the Government Rajaji Hospital, Madurai for taking treatment, she found that her pouch was missing and then she got a call from a person that their pouch and passbook is with them and further they assured to return the same, but without returning, they threatened the petitioner with dire consequence.



3.The learned counsel appearing for the petitioner submitted that the petitioner, after lodging the complaint before the 2nd respondent, had continuously approached the 2nd respondent and requested them to take action on her complaint and expressed her displeasure over the non-registration of FIR and only on 31.12.2016, the 2nd respondent registered the case in Crime No.1163 of 2016 and subsequently, the 2nd respondent forced the petitioner to accept a cash of Rs.20,000/- and withdraw the complaint and in-spite of the above fact came to the knowledge of the 1st respondent and also disclosing the information about the culprits to the 2nd respondent, no positive improvement in the investigation and no articles were recovered from the culprits. In view of the above circumstances, if the investigation is continued to be done by the 2nd respondent, the real culprits will be escaped from the clutches of law and hence, this criminal original petition seeking for transfer of the investigation to any other higher official.

4.The learned Government Advocate (Criminal side) appearing for the respondents submitted that after registration of the FIR, the 2nd respondent took up the investigation and enquired the witnesses and obtained their statements under section 161(3) Cr.P.C and the accused persons were not yet arrested and no recovery was made.

5.It is seen from the records that the 2nd respondent after registering the case in Crime No.1163 of 2016 under section 379 IPC, took up the case for investigation and obtained statements from the witnesses. In this case, though the case was registered in the year 2016 and the investigation was done by the 2nd respondent, the real culprits were not arrested and no recovery was made. In view of the above circumstances, this court is of the considered view that re-investigation has to be done by the 2nd respondent under the supervision of the 1st respondent.

6.In fine, this criminal original petition is allowed and it is ordered that the 2nd respondent is directed to conduct re-investigation under the supervision of the 1st respondent namely the Commissioner of Police, Madurai city and take appropriate action for the arrest of the real culprits as well as for the recovery of the stolen articles and file a final report before the competent court as expeditiously as possible.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

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To

1. The Commissioner of Police,
Madurai.
2. The Inspector of Police,
Mathichayam Police Station,
Madurai City.
3. The Superintendent of Police,
CBCID, Chennai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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