

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.OP.No.1817 of 2021

T.V.S.Raja Simhan Naidu
S/o.K.S.Rajan.

...Petitioner/Defacto Complainant

Vs.

1.The Commissioner of Police
No.132, Commissioner Office Building
Vepery, Chennai-7.

2.The Inspector of Police
F-4, Thousand Lights Police Station
Thousand Lights
Chennai-6.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to transfer the investigation of the case in Crime No.6 of 2021 pending on the file of 2nd respondent to CBCID or any other agency.

For Petitioners : Mr.Shamanth Nag
For Respondents : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

O R D E R

This petition has been filed seeking for transfer of investigation pending on the file of the second respondent in Crime No.6 of 2021 to CBCID or any other agency.

2.The case of the petitioner is that he was roped in a case in Crime No.1 of 2020, based on the complaint given by one Umarani. This F.I.R.was registered on the file of the All Women Police Station, Thousand Lights, Chennai, on 16.01.2020. According to the petitioner, he was also arrested in this case and remanded to judicial custody. The further case of the petitioner is that the Inspector of Police of All Women Police Station, Thousand Lights, in connivance with the said Umarani and one Vishnupriya, demanded illegal gratification to settle the issue in the police station and thereby money was extorted

and his valuables were also taken away by them and his ATM card was also illegally used.

3.The petitioner gave a complaint in this regard and pursuant to the directions issued by the learned XIV Metropolitan Magistrate, Egmore, an F.I.R.came to be registered in Crime No.6 of 2021, on the file of the second respondent against Vishnupriya, Umarani and Gnanaselvam. The grievance of the petitioner is that the second respondent, who is also in the same rank of an Inspector is not effectively conducting the investigation and considering the seriousness of the issue, the investigation is sought to be transferred to a different agency.

4.Heard Mr.Shamnath Nag, learned counsel appearing on behalf of the petitioner and Mr.Mohammed Riyaz, learned Additional Public Prosecutor, appearing on behalf of the respondents.

5.This Court has carefully considered the submissions made on either side and the materials available on record.

6.Taking into consideration the facts and circumstances of the case and also the seriousness of the allegations made by the petitioner and since one of the accused person in this case is an Inspector of Police, who has been suspended due to the pending investigation, this Court deems it fit that the investigation is conducted by a superior officer to ensure that a neutral investigation is conducted in both the cases in Crime Nos.1 of 2020 and 6 of 2021. If the investigation is conducted by a superior Officer, there will be more confidence in the entire investigation process and it will not give room to any unnecessary allegation of bias.

7.In view of the above, there shall be a direction to the Sub-Inspector of Police, All Women Police Station, Thousand Lights and the Inspector of Police, F4, Thousand Lights Police Station, to handover the entire case diary in Crime Nos.1 of 2020 and 6 of 2021 respectively to the Assistant Commissioner, Nungambakkam, within a period of two weeks from the date of receipt of copy of this order. The Assistant Commissioner, Nungambakkam, immediately on receipt of the case diary, shall commence the investigation in both the F.I.Rs. This investigation shall also be monitored by the Deputy Commissioner of Police, Triplicane. The investigation shall be conducted effectively and the same shall be completed within a period of three months and a final report shall be filed before the concerned Court.

8.This Criminal Original Petition is disposed of with the above directions.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

- 1.The Commissioner of Police
No.132, Commissioner Office Building
Vepery, Chennai-7.
 - 2.The Deputy Commissioner of Police,
Triplicane.
 - 3.The Assistant Commissioner of Police,
Nungambakkam.
 - 4.The Inspector of Police
F-4, Thousand Lights Police Station
Thousand Lights, Chennai-6.
 - 5.The Sub Inspector of Police,
All Women Police Station,
Thousand Lights, Chennai 6
 - 6.The Public Prosecutor, High Court, Madras.
- +1cc to M/s.R.Surendar, Advocate, Sr.No.6507

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RSI (CO)
KKV/15/03/2021

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