



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.Nos.7640, 7740 & 7742 of 2021

S.Asaithambi

... Petitioner in all
Crl.O.Ps.

Vs.

The Inspector of Police,
Brahmadesam Police Station,
Villupuram District.

... Respondent in
Crl.O.P.No.7640/2021

The Inspector of Police,
Kalambur Police Station,
Tiruvannamalai District.

... Respondent in
Crl.O.P.No.7740/2021

1. State Represented by
Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.

2. The Assistant Commissioner of Police,
Harbour Police Station,
Chennai.

3. The Inspector of Police,
Muthialpet Police Station,
George Town,
Chennai - 600 001.

... Respondents in
Crl.O.P.No.7742/2021

PRAYER in Crl.O.P.No.7640 of 2021: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to transfer the investigation in Crime No.1494 of 2020 (Brahmadesam Police Station, Villupuram District) on the file of the respondent to CBCID or any other competent investigation agency.

PRAYER in Crl.O.P.No.7740 of 2021: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to transfer the investigation in Crime No.2678 of 2020 (Kalambur Police Station, Thiruvannamalai District) on the file of the respondent to CBCID or any other competent investigation agency.

PRAYER in Crl.O.P.No.7742 of 2021: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to transfer the investigation in Crime No.1016 of 2020 (Muthialpet Police Station, Flower Bazar, Chennai District) on the file of the



third respondent to CBCID or any other competent investigation agency.

For Petitioner
in all Crl.O.Ps : Mr.R.Chandra Sudan

For Respondents
in all Crl.O.Ps. : Mr.A.Damodaran
Government Advocate (Crl.Side)

COMMON ORDER

These Criminal Original Petitions have been filed to transfer the investigation in Crime No.1494 of 2020 on the file of the Brammadesam Police Station, Villupuram District, Crime No.2678 of 2020 on the file of the Kalambur Police Station, Thiruvannamalai District and Crime No.1016 of 2020 on the file of the Muthialpet Police Station, Flower Bazar, Chennai District to CBCID or any other competent investigation agency.

2. Heard Mr.R.Chandrasudan, learned counsel appearing for the petitioner and Mr.A.Damodaran, learned Government Advocate (Crl.Side) appearing for the respondents in all petitions.

3. The petitioner lodged complaint before the Inspector of Police, Muthialpet Police Station, Flower Bazaar, Chennai alleging that his sister was missing. That complaint was registered in Crime No.1016 of 2002 under woman missing case. The petitioner also approached this Court by way of Writ of Habeas Corpus in H.C.P.No.155 of 2021 to produce his sister. This Court by an order dated 03.02.2021 disposed the said writ petition with direction to the Assistant Commissioner of Police, Harbour, Chennai to monitor the investigation in Crime No.1016 of 2020.

4. In the mean while, the body of the petitioner's sister was found near Vadamadhi Mangalam village and a case was also registered in Crime No.2678 of 2020 for the offence under Section 302 of IPC on the file of the Kalambur Police Station. At the same time, his sister's son's body was also found within the jurisdiction of Inspector of Police, Brammadesam Police Station and the case was also registered in Crime No.1494 under Section 174 of Cr.P.C. After registration of these First Information Reports, the respective police officials did not take any steps to solve the murder case and it is pending for investigation. Therefore, the petitioner came forward with these petitions for transfer of investigation in all crime numbers.

5. Insofar as the woman missing complaint in Crime No.1016 of 2020 is concerned, subsequent to the registration of the said FIR, the body of the petitioner's sister was found



and the Inspector of Police, Kalambur Police Station registered a case in Crime No.2678 of 2020 for the offence under Section 302 of IPC. Therefore, further investigation in Crime No.1016 of 2020 on the file of the Muthaialpet Police Station is nothing survive. Therefore, the Inspector of Police, Muthaialpet Police Station, Flower Bazaar, Chennai is directed to close the case in Crime No.1016 of 2020.

6. Insofar as the other direction petitions are concerned, the learned Government Advocate (Crl. Side) submitted that in respect of the case in Crime No.1494 of 2021 with regard to the petitioner's sister's son murder is concerned two accused persons have been arrested on 31.05.2021 and the offence was altered into 120b, 294(b), 323 and 302 of IPC on the file of the Inspector of Police, Brammadesam Police Station.

7. Considering the above facts and circumstances, the respective respondents in both direction petitions are directed to complete the investigation and file final report within a period of twelve weeks from the date of receipt of a copy of this Order. The Superintendent of Police, Thiruvannamalai and The Superintendent of Police, Villupuram District are directed to monitor the investigation down by the respective Inspector of Police in both crime numbers and ensure that they shall comply the direction issued by this Court.

8. With the above directions, all the Criminal Original Petitions are disposed of.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.
2. The Assistant Commissioner of Police,
Harbour Police Station,
Chennai.
3. The Superintendent of Police,
Thiruvannamalai District.
4. The Superintendent of Police,
Villupuram District.



5. The Inspector of Police,
Muthialpet Police Station,
George Town,
Chennai - 600 001.

6. The Inspector of Police,
Brahmadesam Police Station,
Villupuram District.

7. The Inspector of Police,
Kalambur Police Station,
Tiruvannamalai District.

8. The Public Prosecutor,
High Court of Madras,
Chennai.

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7740 & 7742 of 2021

PCH(CO)
GN(20/07/2021)