

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.04.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.OP.No.8201 of 2021
and
Crl.MP.No.5407 of 2021

Jayachandran

... Petitioner

Versus

1.State represented by
The Inspector of Police,
W-12, All Women Police Station - Harbour,
Chennai.
(Crime No.1 of 2021)

2.Assistant Commissioner of Police,
Flower Bazaar Police Station,
N.S.C. Bose Road, Chennai. ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation in Crime No.1 of 2021 on the file of the All Women Police Station - Harbour, Chennai from the 1st respondent to the 2nd respondent.

For Petitioner : Mr.N.Baaskaran

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

ORDER
(Through video conference)

The petition has been filed by the petitioner / defacto complainant seeking to transfer the investigation in connection with Crime No.1 of 2021 from the file of the 1st respondent viz., All Women Police Station - Harbour, Chennai to the 2nd respondent for the offence punishable under Section 354 C of IPC and Section 66 E of the Information Technology Act, 2000.

2.It is the contention of the petitioner that he had lodged a complaint dated 31.03.2021 before the All Women Police Station - Harbour and the case was registered in Crime No.1 of 2021 for offence under Section 354 C of IPC and Section 66 E of the Information Technology Act, 2000 against one Pallav. The defacto complainant's daughter viz., J.Pavithra was studying Medicine at

Philippines and that she had stayed in a flat along with her classmates one Shruti and Sowmitra Pallav. The said Sowmitra Pallav was unable to pay his college fees and on his request, the petitioner's daughter gave sum of Pesos 58,000/- and thereafter he has repaid a sum of Pesos 28,000/- to his daughter. Thereafter, the said Sowmitra Pallav had discontinued his studies in the year 2020 without repaying the money. The petitioner's daughter asked to repay the money the said Sowmitra Pallav started threatening her that he published the indecent photographs in the Social Media. On 29.03.2021, the said Sowmitra Pallav had sent some photographs to the another student viz., Jerinmon and thereafter, he forwarded to the friend of petitioner's son viz., Jerusha due to which, the petitioner had lodged a complaint.

3.The learned counsel for the petitioner would submit that the said complaint is of serious nature and that immediate action of the respondent police is required to seize the electronic gadgets of the said Sowmitra Pallav and also to remove and block the forwarding indecent photographs of the petitioner's daughter. The said Pallav who is a co-student has gained confidence of the petitioners daughter, got access to the indecent photographs and forwarded the same through the Social Media. The respondent police in support of the complaint and for removal of indecent photographs from the Social Media and also for seizing electronic gadgets had informed to the said Sowmitra Pallav about the registration of the case and in casual manner informed the petitioner that the said Sowmitra Pallav had to come to Chennai and thereafter the investigation can be continued further and that on 02.04.2021, the respondent police enquired the same to Sowmitra Pallav through his mobile number but his mobile has been switched off and the respondent police had informed the petitioner that she could not contact the accused and could not continue this case further. Hence, the petitioner had approached this Court for transfer of this case from the 1st respondent police to the 2nd respondent, Assistant Commissioner of Police to investigate the case further and to secure the accused and to recover the electronic gadgets from him.

4.The learned Additional public prosecutor submits that based on the complaint, a case has been registered and the investigation had been conducted. He would further submit that since this is a special case to address the grievance, the case has to be assigned to All Women and Children in the cadre of Deputy Commissioner of Police, Crime against all Women and Children at Thousand Lights, Chennai.

5.Taking into consideration of the submissions made by the learned counsels and also perused the materials placed before

this Court, this Court comes to a conclusion that the 1st respondent is directed to transfer the FIR from the Inspector of Police, W-12, All Women Police Station - Harbour, Chennai to the Deputy Commissioner of Police, Crime against all Women and Children at Thousand Lights, Chennai. The Deputy Commissioner of Police shall give importance to this case take up the case for investigation by nominating a officer of competency since the offence is of a serious nature and further the Deputy Commissioner shall take effective steps in this regard and continue further with the investigation.

6. With the above directions, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition also closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
W-12, All Women Police Station - Harbour,
Chennai.
(Crime No.1 of 2021)
2. The Assistant Commissioner of Police,
Flower Bazaar Police Station,
N.S.C. Bose Road, Chennai.
3. The Public Prosecutor,
Madras High Court,
Chennai.
4. the Deputy Commissioner of Police,
Crime against all Women and Children,
Thousand Lights, Chennai.

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Ak-II(CO)
CSR 30.04.2021