



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.14455 of 2021

S. Dharani, F/22 years
D/o. Sivakumar
No. 20/A Pumping Station Road,
Thiru Nagar Colony,
Erode 638 003

...Petitioner

Versus

1. State Rep by,
The Superintendent of Police,
Erode District.
2. The Inspector of Police
All Women Police Station,
Erode
(Crime No.16/2021)

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st Respondent, to withdraw the case in Crime No. 16 of 2021 on the file of the 2nd Respondent Police and hand over the same to any other competent authority to investigate the case in fair and speedy manner and to file a final report within a time limit to be fixed by this Hon'ble Court.

For Petitioner : Mr. Vijaya Raghavan
for M/s. S. Ashok Kumar.

For Respondent : Mr.A.Damodharan,
Government Advocate (Crl.side)

ORDER

The petitioner, who is the defacto-complainant in Crime No.16/2021 for the offences under Section 376, 417, 294(b), & 506(i) IPC, has filed this petition seeking transfer of the investigation.

2. The contention of the petitioner is that though the occurrence said to have taken place during the period from



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11.02.2021 to 28.05.2021 and the complaint was lodged much earlier, the First Information Report had been registered only on 06.07.2021 with a considerable delay. Further, in this case, there are totally 3 accused. A1 is the former lover of the petitioner and A2 & A3 are his parents. All the accused had filed Anticipatory Bail application in CrI.M.P.No.1172 of 2021 before the Sessions Court, Erode and the Principal Sessions Judge, Erode, by an Order dated 14.07.2021 granted Anticipatory Bail to A2 & A3, however, dismissed the petition as against A1. Thereafter, within the period of elucidation, i.e., 10 days, second Anticipatory petition has been filed by A1 in CrI.M.P.No.1205 of 2021. The respondent police had not taken any tangible action, despite dismissal of the first anticipatory bail application on 14.07.2021 and also has not made any strong objection in the second Anticipatory Bail petition filed by A1. They have only submitted that preliminary investigation has been completed and taking the same into account, the Lower court granted Anticipatory Bail to A1, in a case of rape. Further, the lower Court as well as the respondent police are treating the case, which is of serious in nature, in a very casual manner.

3. The learned Government Advocate (crl. side) submitted that in this case, all the accused have been granted Anticipatory Bail. A1 in this case was granted Anticipatory Bail on 23.07.2021 and from yesterday, i.e. on 17.08.2021, only he is appearing before the respondent police as per the condition. As far as this petitioner is concerned, the petitioner had already been subjected to medical examination, 164 Cr.P.C. Statement recorded and further, she had been called for enquiry and she is not co-operating with the investigation. After taking potency test for the accused and obtaining the Medical Report and forensic report, Charge sheet would be filed within the stipulated period of 2 months. In the meanwhile, earnest efforts would be taken to resolve the issue, since it appears to be a love affair.

4. I have considered the rival submissions made on either side and perused the materials available on records carefully.

5. Since there is some doubt caused in the mind of the petitioner, this Court finds that investigation to be conducted under the supervision of one Mrs. A.Kanakeshwari, TPS, ADSP (Child Welfare Committee wing), Erode District and she is directed to monitor the investigation.



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6. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Superintendent of Police,
Erode District.
2. Tmt.A.Kanakeshwari,
TPS, ADSP, (Child Welfare Commity Wing),
Erode District,
Ph: 94981 88299.
3. The Inspector of Police,
All Women Police Station,
Erode.
4. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.A.Ashok Kumar, Advocate, S.R.No.41278

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RP[co]
NSK 14/09/2021