

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2021

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.19643 of 2020

Lakshmi

.. Petitioner

Vs

1. The State rep by its.
The Superintendent of Police,
Tirupathur District,
Tirupathur.
 2. The Deputy Superintendent of Police,
Vaniyambadi Taluk,
Tirupathur District.
 3. The Inspector of Police,
Vaniyambadi Taluk Police Station,
Tirupathur District.
- .. Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the 1st respondent herein to transfer the investigation in Cr.No.1071 of 2020 pending on the file of the 3rd respondent herein to any other Inspector of Police under him to investigate the matters in accordance with law.

For Petitioner :Mr.T.Muruganantham

For Respondents :Mr.Mohammed Riyaz
Additional Public Prosecutor
for R1 to R3

ORDER

This petition has been filed seeking for a direction to transfer the investigation pending on the file of the 3rd respondent in Crime No.1071 of 2020.

2.The case of the petitioner is that they wanted to purchase a property and an advance amount was also paid. However, the sale did not go through and attempts were made to forceably get back the advance amount. This resulted in certain local persons getting involved and village panchayat being convened wherein it is alleged that the husband of the petitioner was asked to apologise before the panchayat and pay a sum of Rs.501/- It is further alleged that the petitioner and her family were excommunicated and no one is allowed from the village to mingle with the family of the petitioner or purchase any products from the provisional store owned by the petitioner. This ultimately resulted in the petitioner consuming poison and she was given timely treatment and her life was saved.

3.The petitioner gave a complaint in this regard to the 3rd respondent and an FIR came to be registered in Crime No.1071 of 2020 for an offences under Sections 306 and 511 of IPC and Section 4(1) and 4(10) of the Protection of Civil Rights Act, 1955. The FIR was registered against five named accused persons.

4.The grievance of the petitioner is that the 3rd respondent did not take any steps to effectively conduct the investigation and the accused persons are moving around freely and the petitioner and her family are continued to be kept away from the village. Left with no other option, the present petition has been filed seeking for appropriate directions.

5.The learned Additional Public Prosecutor on instructions submitted that the 3rd respondent has recorded the statement of the village people and they have stated that no such incident has taken place and the petitioner and her family members have not been ex-communicated from the village. The learned counsel further submitted that the 3rd respondent will effectively conduct the investigation and file a final report within the time fixed by this Court.

6.Taking into consideration the facts and circumstances of the case and the seriousness of the allegations made by the petitioner, there shall be a direction to the 3rd respondent to immediately handover the entire case diary to the Deputy Superintendent of Police, Ambur Sub Division, within a period of one week from the date of receipt of copy of this order. The Deputy Superintendent of Police, Ambur Sub Division shall take over the investigation and effectively conclude the investigation, within a period of three months thereafter. By issuing such a direction, this Court expects that a fair investigation will be conducted.

7.This criminal original petition is disposed of with the above direction.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Superintendent of Police,
Tirupathur District,
Tirupathur.
2. The Deputy Superintendent of Police,
Vaniyambadi Taluk,
Tirupathur District.
3. The Inspector of Police,
Vaniyambadi Taluk Police Station,
Tirupathur District.
- 4.The Deputy Superintendent of police,
Ambur Sub Division.
- 5.The Public Prosecutor,
High Court of Madras.

+1 cc to M/s.T.Muruganantham, Advocate Sr.No. 4393

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NMI (CO)
RMP (16/02/2021)

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