



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.21660 OF 2021

M.Velayutham

... Petitioner

.Vs.

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Ariyalur, Ariyalur District.
2. The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Ariyalur, Ariyalur District.
3. The Inspector of Police,
Kairlabath Police Station,
Kairlapath, Ariyalur.

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 of the Cr.P.C., to transfer the investigation in Crime No.435 of 2021 is pending on the file of the 3rd respondent police and transfer to CBCID or any other competent agency file a fresh FIR.

For Petitioner : Mr.M.Marimuthu

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to transfer the investigation in Crime No.435 of 2021, which is pending on the file of the 3rd respondent police and transfer to CBCID or any other competent agency.

2. The case of the petitioner is that he is an auto driver at Chennai and since one Velmurugan ,who is his neighbour along



with his friends teased the petitioner's daughter and when the same was questioned by the petitioner, the said Velmurugan along with other accused assaulted the petitioner and his daughter seriously, for which the petitioner got admitted in the Tanjavur Medical College Hospital, from where the complaint was lodged, for which a case in Crime No.421 of 2021 was registered against the accused for the offences punishable under Sections 147, 148, 294 (b), 323, 324, 342, 506 (ii) IPC and 4 of TN Prohibition of Harassment of Women Act, 2002, but no action has been taken on the same. Whiles, on 18.10.2021, while the petitioner's daughter was returning from school, the accused had waylaid her, threatened her to withdraw the police case and if not they will upload her photos in the social media, due to which the petitioner's daughter consumed poison and despite treatment she died. Hence, a case in Crime No.435 of 2021 for the offences punishable under Sections 11 (1) & 12 of POCSO Act was registered against the accused.

3. The learned counsel appearing for the Petitioner submitted that the respondent police has not conducted any proper investigation and the accused are roaming freely and hence prays for transfer of investigation.

4. The learned Additional Public Prosecutor submitted that since the offence pertains to POCSO Act, after taking up investigation, A1, A4, A6 and A8 have been arrested and are trying to arrest the other accused. He further submitted that FIR has been filed on 19.10.2021, against some of the accused and the investigation is proceeding in a right manner. He further submitted that as per the mandate of POCSO Act, investigation should be done in a right manner without delay and the same has been followed scrupulously in this case.

5. Taking note of the submissions of the learned Additional Public Prosecutor, as the investigation is proceeding in the right manner and charge sheet has been filed against some of the accused, this Court is of the view that nothing survives for adjudication in this Petition.

6. In view of the same, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
O/o.The Superintendent of Police,
Ariyalur, Ariyalur District.
2. The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Ariyalur, Ariyalur District.
3. The Inspector of Police,
Kairlabath Police Station,
Kairlapath, Ariyalur.
4. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.M.Marimuthu, Advocate, S.R.No.61153

CRL.O.P.NO.21660 OF 2021

PL(CO)
PBS/15/12/2021