



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.22291 of 2021

Y.Kavitha Bharathi

... Petitioner

Versus

1. The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
B-6 Mappedu Police Station Range,
Thiruvallur, Thiruvallur District.

2. The Inspector of Police,
B-6 Mappedu Police Station,
Thiruvallur District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation in crime No.485 of 2021 pending on the file of the 2nd respondent police to some other fair independent investigation agency and direct them to investigate the petitioner's complaint and file final report in accordance to law.

For Petitioner : Mr.S.Ananthanarayanan

For Respondent : Mr.E.Raj Thilak,
Addl. Public Prosecutor.

ORDER

This Criminal Original Petition has been filed to transfer the investigation in crime No.485 of 2021 pending on the file of the 2nd respondent police to some other fair independent investigation agency and direct them to investigate the petitioner's complaint and file final report in accordance to law.

2.In continuation to the adjudication of the earlier order dated 26.11.2021, the learned Additional Public Prosecutor submitted that in this case, there are totally 6 accused. Though in the First Information Report there are 3 named accused, based on the confession of A2 and A3, the accused, namely, A4 to A6 were implicated in this case and they were arrested. After their



arrest, confessions recorded, 3 vehicles and 4 weapons were seized.

3.As regards A1, the investigation is properly conducted. There seems to be some political rivalry between the defacto complainant's family and one Sadasivam. Hence, Sadasivam might have been implicated and he was called for enquiry, his statement was recorded and later let off. The specific evidence, which are beneficial to the defacto complainant's husband seems to have been not taken into consideration, which would only be beneficial to A1. The confession of the other accused confirms that they went along with A1 and some of the accused are related to A1. A1 is facing a case of grievous nature. The benefit of Section 41(A) would not be available to him. The respondent police ought to have called A1 for enquiry, but without doing so has let him off which is not proper. The further apprehension of the petitioner that the respondent police are taking steps to shield and safe guard A1 seems to be more real for the reason that even one month after the occurrence and though A1 is a named accused he has not even approached any Court seeking Anticipatory Bail. Further he is so confident that he has no apprehension of arrest and investigation.

4. Finding some laxity in the investigation of the case as referred to in the earlier order dated 26.11.2021, this court finds it appropriate that the 2nd respondent is allowed to conduct the investigation in a free and fair manner against whom there seems to be not much grievance except with the 1st respondent for constantly interfering.

5.In view of the same, the 2nd respondent shall continue with the investigation monitored by the Deputy Inspector General of Police, Kanchipuram.

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

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vkr/mpl

To

1. The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
B-6 Mappedu Police Station Range,
Thiruvallur, Thiruvallur District.



2. The Inspector of Police,
B-6 Mappedu Police Station,
Thiruvallur District.

3. The Deputy Inspector General of Police,
Kanchipuram.

4. The Public Prosecutor,
High Court, Madras.

+3ccs to Mr.G.Mohanakrishnan, Advocate, S.R.No.61767

CRL.O.P.No.22291 of 2021

AD(CO)
CT/16/12/2021