



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2021

CORAM :

THE HONOURABLE **Mrs. JUSTICE R. HEMALATHA**

Crl.O.P. (MD)No.2696 of 2021

Aathi

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.

2.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the first respondent to withdraw the petitioner's complaint, dated 23.01.2021 from the file of the second respondent and entrust the same to any other officer not below the rank of Deputy Superintendent of Police for investigation.

For Petitioner : Mr.V.Selvakumar

For Respondents : Mr.R.Erottusamy
Government Advocate (Criminal Side)

ORDER

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure to direct the first respondent to withdraw the petitioner's complaint, dated 23.01.2021 from the file of the second respondent and entrust the same to any other officer not below the rank of Deputy Superintendent of Police for investigation.

2.Mr.V.Selvakumar, learned counsel appearing for the petitioner contended that though the petitioner has prayed for a larger relief of transferring the investigation from the file of the second respondent to any other investigating agency, this Court may direct the Inspector of Police, to expedite the investigation and file a final report in the complaint lodged by the petitioner.

3.Mr.R.Erottusamy, learned Government Advocate (Criminal side), who accepts notice on behalf of the respondents, on <https://hcservices.ecourts.gov.in/hcservices/>



instructions, would contend that the petitioner's representation was registered in CSR No.12 of 2021 and is posted for enquiry. His further contention is that though summons were issued to the petitioner, he did not appear before the respondent police.

4. Recording the submissions made by the learned Government Advocate (Criminal side), the Criminal Original Petition is disposed of with a direction to the second respondent to follow the guidelines issued in the decisions in **D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610** and **Lalita Kumari Vs. Government of Uttar Pradesh and others [2013 (6) CTC 353]**.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
- 2.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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sss(CO)

TR(16.03.2021) 2P 4C