



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2021

CORAM :

THE HONOURABLE **Mrs.JUSTICE R.THARANI**

CrI.O.P.(MD)No.2931 of 2021

Kavitha

...Petitioner

/Vs./

1.The Commissioner of Police,
Trichy City, Trichy.

2.The Assistant Commissioner of Police (L&O),
Cantonment, Trichy.

3.The Inspector of Police,
E.Pudur Police Station,
Trichy City.

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent to depute an Assistant Commissioner of Police other than the second respondent to investigate the case in Crime No.61 of 2021 on the file of the third respondent and file a final report in accordance with law.

For Petitioner

: Mr.T.Lenin Kumar

For Respondents

: Mr.S.Chandra Sekar

Additional Public Prosecutor

ORDER

This petition is filed to transfer the investigation to the Assistant Commissioner of Police, other than the second respondent to investigate the case in Crime No.61 of 2021.

2.On the side of the petitioner, it is stated that the petitioner is a tenant and the landlord using abusive words insulted her and attempted to evict her from the house. Therefore, the petitioner lodged a complaint on 12.02.2021. Since no steps were taken by the respondents, the petitioner sent a representation to the first respondent. Thereafter, a case was registered, but without mentioning the offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. Only on a subsequent petition filed by the petitioner, the said Act was included in the case. A counter case was registered against the



petitioner and a summon was also issued to the petitioner, without mentioning the date of enquiry. The petitioner filed an anticipatory bail petition. The matter involved is only a civil dispute and the petitioner prayed for a direction to transfer the investigation to some other investigating agency from the second respondent.

WEB COPY

3. On the side of the respondents, it is stated that the charges were already altered and the offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 was included in the charges. There is a pathway dispute between the parties. The prosecution has examined seven witnesses and recorded statements under Section 161 Cr.P.C., and the date was mistakenly left out in the summon. The investigation is on the right track and therefore, the respondents prayed this petition to be dismissed.

4. Considering the submissions made by both parties, this Court directs the first respondent to monitor the investigation and if it is necessary, the first respondent is at liberty to transfer the case to any other DSP or Assistant Commissioner for further investigation.

5. With the directions, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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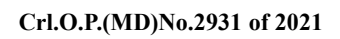
Note In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Commissioner of Police,
Trichy City, Trichy.

2. The Assistant Commissioner of Police (L&O),
Cantonment, Trichy.

<https://hcservices.ecourts.gov.in/hcservices/>



4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

VB (17.03.2021) 3P 5C