



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD) No.12532 of 2021

Radhika

... Petitioner

Vs.

1. The Director,
Central Bureau of Investigation,
CBI Head Quarters, New Delhi.
2. The Joint Director of CBI,
O/o.JD of CBI,
South Zone,
EVK Sampath Maligai, Chennai.
3. The Superintendent of Police (CBI),
73, Athikulam Main Road,
Reserve Line, Madurai.
4. The Superintendent of Police,
Dindigul District, Dindigul.
5. The Inspector of Police,
Dindigul Taluk police station,
Round Road,
Dindigul.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to transfer the investigation in Crime No.967 of 2020 for the offences under Sections 307 and 302 of I.P.C. from the fifth respondent / Dindigul Taluk police station to the third respondent / CBI, Madurai and further direct the third respondent / CBI to investigate the case based on the petitioner's complaint dated 22.02.2021 and file final report with the real accused within the stipulated period that may be fixed by this Court.

For Petitioner : Mr.Sivakumar,
for Mr.P.Thangachamy.

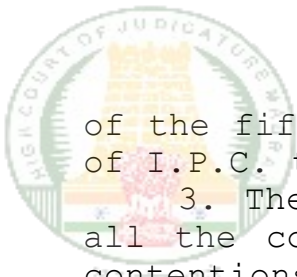
**(*) For R-1 to R-3 : Ms.L.Victoriya Gowri,
Assistant Solicitor General of India.**

**(*) For R-4 & R5 : Mr.T.Senthil Kumar,
Additional Public Prosecutor.**

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

2. This criminal original petition has been filed for transferring the case in Crime No.967 of 2020 registered on the file
<https://hcservices.ecourts.gov.in/hcservices/>



of the fifth respondent for the offences under Sections 307 and 302 of I.P.C. to CBI.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in this petition. Though I found his contentions to be *prima facie* persuasive, I am not in a position to grant any relief for the simple reason that the earlier petition filed by the petitioner in Crl.O.P.(MD)No.11295 of 2020 was dismissed by this Court on 02.12.2020.

4. The doubts projected by the petitioner now before this Court were projected in the earlier criminal original petition also. This Court had called upon the Superintendent of Police to file status report. After perusing the status report, this Court was satisfied that the investigation was going in the right direction and the investigation was directed to be completed and final report to be filed before the concerned Court as expeditiously as possible. Pursuant to the said direction, final report was filed and the case is presently pending trial in S.C.No.75 of 2021 before the Mahila Court, Dindigul. Though witness summons have been issued to the petitioner and two others, they are yet to appear before the trial Court by citing the pendency of this petition.

5. When the prayer for transfer of investigation was rejected, the petitioner ought to have filed a Special Leave petition before the Hon'ble Supreme Court. Filing of second transfer original petition on the same set of facts is clearly not maintainable. If I allow the transfer original petition, that would amount to reviewing the order dated 02.12.2020 made in Crl.O.P.(MD)No.11295 of 2020. Such an exercise would be clearly barred and forbidden under Section 362 of Cr.P.C. Since the present petition is not maintainable, I am not in a position to grant any relief.

6. This criminal original petition stands dismissed accordingly.

Sd/-

Assistant Registrar (CS II)

(*) Corrected Order

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

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.

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



To:

**(*)To be Substituted the order already despatched
on 22.11.2021**

WEB COPY

1. The Director,
Central Bureau of Investigation,
CBI Head Quarters,
New Delhi.
2. The Joint Director of CBI,
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Reserve Line, Madurai.
4. The Superintendent of Police,
Dindigul District,
Dindigul.
5. The Inspector of Police,
Dindigul Taluk police station,
Round Road,
Dindigul.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SIVA MUMAR, Advocate (SR-34117[F] dated 11/11/2021)

Cr1.O.P. (MD) No.12532 of 2021
10.11.2021

SE (CO)

KB(18.11.2021) 3P 8C

MGJ(04.01.2022) 3P 8C