



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2021

CORAM :

THE HONOURABLE Mr.JUSTICE G.ILANGOVAN

Crl.OP(MD).No.7117 of 2021

WEB COPY
Alagurani

... Petitioner

Vs.

1.The Superintendent of Police,
Trichy.

2.The Deputy Superintendent of Police,
Manapparai,
Trichy District.

3.State by
The Inspector of Police,
Manapparai Police Station,
Trichy District.
(In Crime No.209 of 2021)

... Respondents

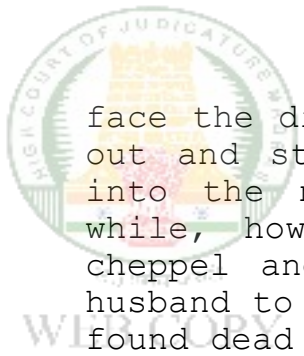
Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents 1 and 2 to transfer the investigation from the third respondent to any other appropriate agency in respect of the Crime No.209 of 2021 on the file of the third respondent.

For Petitioner	: Mr.N.Mohan
For Respondents	: Mr.R.M.Anbunidhi, Additional Public Prosecutor.

ORDER

This Criminal Original Petition is filed seeking a direction to the respondents 1 and 2 to transfer the investigation from the third respondent to any other appropriate agency in respect of the Crime No.209 of 2021 on the file of the third respondent.

2.The petitioner's daughter namely Muthulakshmi is studying XII standard in Little Flower Higher Secondary School. She came to know that the first accused, Nathishkumar son of Raja gopal, said to have been, had affair with Muthulakshmi, but her daughter neglected his proposal several times. Therefore, he used to interfere her in the pathway, she regularly used. On 27.03.2021, the day of occurrence, Nathish Kumar and his friend Rajesh son of Kamaraj came to the petitioner's house in a two wheeler by 5.30 P.M and shouted looking at house and while the petitioner came out, Nathish Kumar yelled at her that he loves her daughter Muthulakshmi and he is a bigwig in the area and unless, the parents give her marry to him, they would



face the dire consequences. On hearing his voice, Muthulakshmi came out and started walking and Nathish Kumar and Rajesh dragged her into the nearby field and the petitioner followed them after a while, however, she could not find her daughter, but found her cheppel and Shawl nearby a Well. Immediately, she contacted her husband to come and the Fire service was also informed, then she was found dead in a Well and was recovered. Hence, the petitioner lodged a complaint on 28.03.2021, specifically stating the names of the accused, but the third respondent police registered a lethargic FIR as 'Girl Missing' and did not take any further step to arrest the accused, though the victim was a minor girl. Thereafter, the village people gathered in the Police Station demanding arrest of the named accused immediately, even then, it was thwarted by the Inspector Anbalagan. On the next day, he altered the FIR 'Girl Missing' into section 306 IPC and finally arrested the first accused alone and effective steps was taken to arrest the other accused, who involved in the crime. The petitioner and the village elders urge him several times not to be lethargic in a Minor Girl issue, who lost her valuable life at the instance of the accused. The third respondent has not altered the FIR under the POCSO Act, since the victim is a Minor. Therefore, the petitioner sent a representation to the higher officials on 10.04.2021 to transfer the investigation to any other appropriate agency since the third respondent's attitude towards the process of the case is so lethargic and collusive, but it was not considered. Hence, he filed this petition.

3.The learned Additional Public Prosecutor would submit that there are totally two persons and one was arrested and now he is in judicial custody and the postmortem certificate of the deceased girl was also received. He would further submit that the third respondent is ready to complete the investigation, within the time, as stipulated by this Court.

4.Recording the submission made by the learned Additional Public Prosecutor, the question of transfer does not arise and there shall be a direction to the third respondent police to complete the investigation and file the final report before the concerned Court, within three months from the date of receipt of a copy of this order.

5.With these directions, this Criminal Original Petition stands disposed of.

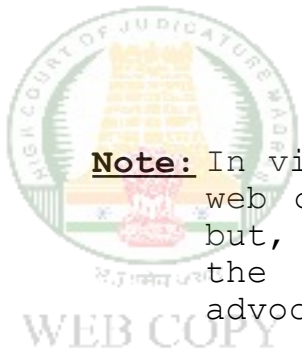
Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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,
Trichy.
- 2.The Deputy Superintendent of Police,
Manapparai,
Trichy District.
- 3.The Inspector of Police,
Manapparai Police Station,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.7117 of 2021
14.06.2021

RS (03.09.2021) 3P 5C