



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 30.07.2021

Pronounced on : 16.09.2021

CORAM :

THE HONOURABLE **Mr.JUSTICE G.ILANGO VAN**

Crl.O.P.(MD)No.10296 of 2021

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K.Suganthi

... Petitioner

Vs.

1.The Superintendent of Police,
Pudukkottai,
Pudukkottai District.

2.The Inspector of Police,
All Women Police Station,
Alangudi,
Pudukkottai District.

3.The Inspector of Police,
CB-CID,
Pudukkottai,
Pudukkottai District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent to transfer the investigation in FIR No.6 of 2021 from the file of the second respondent, Inspector of Police, All Women Police Station, Alangudi, Pudukkottai District to the third respondent, Inspector of Police, CB-CID, Pudukkottai, Pudukkottai District.

For Petitioner : Mr.Gomathinayagam, Senior Counsel,
For Mr.Hari Hara Arun Soma Sankar.S
For Respondents : Mr.R.M.Anbunithi,
Additional Public Prosecutor.

ORDER

This petition is filed seeking transfer of investigation in Crime No.6 of 2011 from the file of the second respondent to the file of the third respondent.

2.The case of the prosecution is that the petitioner is working as Dentist by profession. She lodged a complaint against her husband namely, Ganesan and others. Since no action was taken on her complaint, she filed a petition before the learned Judicial Magistrate, Alangudi in March, 2021. As per the direction of the above said learned Magistrate, a case in Crime No.6 of 2021 was registered for the offences under Section 294(b), 323, 506(i), 498 (A), 406, 494 and 109 of I.P.C. There was no action subsequent to the above said registration of the FIR and no arrest was also made sofar. So the petitioner approached the government officials



seeking proper action. Since after that, there is no progress in the investigation, this petition was filed.

3.Heard both side.

4.When the matter was taken up for hearing, learned counsel for the petitioner would submit that since the order passed by the learned Judicial Magistrate, Pudukkottai, dated 24.03.2021 was not complied even after lapse of three months, the petitioner has filed a contempt petition before this Court. Because of the filing of the aforesaid contempt petition, enquiry officer was prejudiced and no action has been taken subsequent to the filing of the FIR sofar.

5.The learned Additional Public Prosecutor would submit that investigation is properly undergoing. Since it is a matrimonial dispute between the wife and husband, the arrest has been made sofar. However, the third respondent is not prejudiced by the contempt petition that has been filed by the petitioner before this Court. Except stating that because of the prejudice caused to the investigation officer because of filing the contempt petition, no proper investigation has been undertaken sofar and no other ground is available. The case is only registered on 01.07.2021 and two months only lapsed.

6.As submitted by the learned Additional Public Prosecutor, since it is a matrimonial dispute between the husband and wife, no arrest has been made sofar. Even though it may be taken into account, the second respondent has to follow the guidelines that have been issued in respect of the matters relating to matrimonial issues. The matter has to refer to the Social Welfare Department for the purpose of making conciliation. Only after that, the other steps will be taken. Whether the matter has been referred to conciliation is also not clear. However, I am of the considered view that no case is made out by the petitioner for transferring the investigation from the file of the second respondent to the third respondent. However, in the light of the filing of the contempt petition by this petitioner, she apprehends bias by the second respondent. Let the investigation be monitored by the first respondent herein and after completing the formalities, the investigation shall be completed by the second respondent within a period of three months from the date of receipt of the report from the Social Welfare Department, after the conciliation process is over. The investigation shall be completed under the direct supervision of the first respondent herein.



7.With this direction, this Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar (CS III)

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/ /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,
Pudukkottai,
Pudukkottai District.
- 2.The Inspector of Police,
All Women Police Station,
Alangudi,
Pudukkottai District.
- 3.The Inspector of Police,
CB-CID,
Pudukkottai,
Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**Crl.O.P. (MD)No.10296 of 2021
16.09.2021**

RS (24.09.2021) 3P 5C