



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOVAN**

Crl.O.P.(MD)No.10638 of 2021

Maruthai

... Petitioner

Vs.

1.State rep by

The Superintendent of Police,
Karur District,
Karur.

2.The Inspector of Police,

Chinthamanipatti Police Station,
Karur District.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, directing the first respondent to withdraw and transfer the investigation in Crime No.206 of 2021 on the file of the 2nd respondent to any officer not below the rank of Inspector to conduct investigation in accordance with law and file Final Report.

For Petitioner : Mr.J.Sivaram

For R1 & R2 : Mr.R.M.Anbunithi,
Additional Public Prosecutor

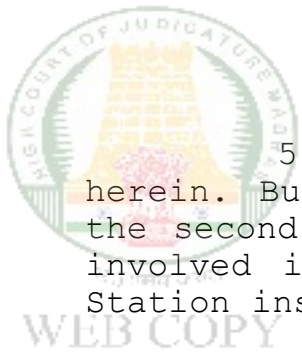
ORDER

This petition is filed to direct the first respondent to withdraw and transfer the investigation in Crime No.206 of 2021 on the file of the Inspector to conduct investigation in accordance with law and file Final Report.

2.The learned counsel for the petitioner would submit that the minor girl was kidnapped. But no offence has been included in the First Information Report attracting provisions of POCSO Act. So, on that ground transfer of investigation is sought for.

3.When the matter is taken up for hearing, the learned Additional Public Prosecutor would circulate alternation report, through which offence has been altered into 366(A) IPC r/w 9 of Child Marriage Act 2006, 3 & 4 of POCSO Act 2012 and the same was submitted before the concerned Court.

4.Since the grievance of the petitioner is redressed, nothing survives for further consideration. Question of transfer of investigation may not arise in the above change of circumstances.



5.Now, it has been taken over by the second respondent herein. But, according to the learned counsel for the petitioner, the second respondent is male Inspector of police. Since POCSO Act involved in this case, it may be undertaken by All Women Police Station inspector.

6.The learned Additional Public Prosecutor would submit that investigation will be taken over by the Inspector of Police, All Women Police Station, Kulithalai, Karur.

7.In view of the above, the Inspector of Police, All Women Police Station, Kulithalai, Karur is directed to take over the investigation and file Final Report.

8.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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,
Karur District,Karur.
- 2.The Inspector of Police,
Chinthamanipatti Police Station,
Karur District.
- 3.The Inspector of Police,
All Women Police Station, Kulithalai, Karur
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.10638 of 2021

03.09.2021