



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.08.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**
Crl.O.P. (MD) No.10898 of 2021

WEB COPY

Pandiyammal ... Petitioner / Defacto Complainant

Vs.

1.The Superintendent of Police,
O/o. the Superintendent of Police,
Sivagangai District.

2.The Deputy Superintendent of Police,
Manamadurai Division,
Sivagangai District.

3.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
Crime No.362 of 2021

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to transfer the investigation of the case in Crime No.362 of 2021 on the file of the 3rd respondent to any other investigating agency.

For Petitioner : Mr.K.Navaneetharaja

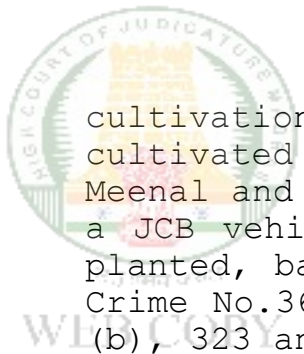
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor
(Crl.Side)

ORDER

This Criminal Original Petition is filed seeking to transfer the investigation in Crime No.362 of 2021 from the file of the 3rd respondent to any other Investigating Agency.

2.The case of the petitioner is that she is a senior citizen and a widow. She is the 2nd wife of her husband, namely, Rajasekaran. The 1st wife is one Erulayee and she got 6 daughters. After the death of Erulayee, her husband married the petitioner herein. They got a son, namely, Vijayaraghavan, who is working in Indian Army. The petitioner's husband also died on 14.06.2017.

3.The property in S.No.40 situated at Vellikurichi Village, Manamadurai Taluk, Sivagangai District, measuring an extent of 1 acre and 4 cents, belongs to the petitioner and she is doing



cultivation in the said property. During the current season, she cultivated sesame saplings and on 28.06.2021 at about 02.00 pm., one Meenal and Mahesh along with other persons came to the property with a JCB vehicle and started in damaging the entire crops, which was planted, based upon which, a complaint has been given and a case in Crime No.362 of 2021 for the offences punishable under Sections 294 (b), 323 and 506(i) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 has been registered as against the accused persons, but so far no arrest has been made and even the JCB vehicle, which was used in damaging the crops, was seized, the same has been released subsequently without obtaining an order from the concerned Judicial Magistrate. On that ground, this petition is filed.

4.The learned Additional Public Prosecutor (Crl.Side) appearing for the respondents submitted that the case has been investigated and 4 accused persons were arrested, out of which, 3 were released on bail by this Court and the 4th accused is juvenile. After completing the investigation, final report has been laid before the learned Juvenile Justice Board, Sivagangai on 08.08.2021 and it has been taken on file.

5.Since the investigation itself is over and the final report was also filed, the question of transferring the investigation may not arise. The contention of the learned counsel for the petitioner that the JCB vehicle, which was seized, has been returned to the accused persons, without obtaining an order from the concerned Judicial Magistrate as mentioned above, cannot be considered at this juncture. The petitioner has to workout her remedy in the matter pending before the concerned Magistrate. Accordingly, nothing survives for further consideration in this petition. Hence, this petition is dismissed as infructuous. There shall be a direction to the Juvenile Justice Board, Sivagangai to process the final report that has been presented by the Investigation Officer and to take the same on file as per rules.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mm

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

1.The Jevenile Justice Board,
Sivagangai.

2.The Superintendent of Police,
O/o. the Superintendent of Police,
Sivagangai District.1

3.The Deputy Superintendent of Police,
Manamadurai Division,
Sivagangai District.

4.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.

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

Crl.O.P. (MD) No.10898 of 2021
09.08.2021

RK (19.08.2021) 3P 6C