



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **25.10.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

Cr1.O.P. (MD) No.16152 of 2021

Thevagi

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Assistant Commissioner of Police,
Madurai City,
Madurai.

3.The Inspector of Police,
CBCID,
Madurai City,
Madurai.

4.The Inspector of Police,
Thallakulam Police Station,
Madurai.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to withdraw the investigation of FIR in Crime No.772 of 2021 from the file of the 4th respondent police and to transfer the investigation to the 3rd respondent with a direction to investigate into the matter and file charge sheet in accordance with law within a time stipulated by this Court.

For Petitioner : M/S.A.Banumathy
For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

This petition is filed seeking transfer of investigation from the file of the 4th respondent to the file of some other Agency or Officer.

2.The petitioner is the defacto complainant in Crime No.772 of 2021, which was registered for the offences punishable under Sections 147, 323, 294(b), 379 and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

3.Now, the grievance of the petitioner is that even after a lapse of several months, the accused persons have not been secured

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and no investigation has been undertaken and the mobile phone, which was stolen, has not been recovered so far.

4.The learned Additional Public Prosecutor appearing for the respondents would submit that in respect of the same occurrence, the accused person has given a complaint, based upon which, a case in Crime No.771 of 2021 has been registered for the offences punishable under Sections 147, 148, 448, 294(b) and 307 of IPC on the same day and it is stated to be pending. He would further submit that within 3 months, investigation will be completed and the final report will also be filed before the concerned Court.

5.Since it is a case and case in counter, transfer of investigation in one of the case may not be proper and may not be possible also. However, 3 months time is granted to the 4th respondent herein to complete the investigation and file the final report before the concerned Court as transfer of investigation is not required in the facts and circumstances of the case.

6.With the aforesaid direction, this petition stands disposed of.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Commissioner of Police,
Madurai City,
Madurai.

2.The Assistant Commissioner of Police,
Madurai City,
Madurai.



3.The Inspector of Police,
CBCID,
Madurai City,
Madurai.

4.The Inspector of Police,
Thallakulam Police Station,
Madurai.

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

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NA (CO)

RS/JC (08.11.2021) 3P 6C