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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06/06/2022

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Criminal Original Petition No.9187 of 2022

Narendra Kumar

...Petitioner

Vs

1. The Commissioner of Police
Greater Chennai, Vepery
Chennai 600 007.
2. The Inspector of Police
H 6 R.K.Nagar Police Station
Chennai.

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to transfer the further investigation of the case in Crime No.159 of 2022 on the file of the second respondent Police to any other Investigating Agency more particularly CBCID or higher official in the rank of Deputy Commissioner.

For Petitioner ... Mr.A.K.M.Samsu Nihar

For Respondents ... Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed, to transfer the further investigation of the case in Crime No.159 of 2022, on the file of the second respondent Police to any other Investigating Agency, more particularly CBCID or higher official in the rank of Deputy Commissioner.

2. Heard Mr.A.K.M.Samsu Nihar, learned counsel for the petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the respondents.

3. The case of the petitioner is that the petitioner has been falsely implicated due to the elopement with one



Dhanalakshmi. The first husband of Dhanalakshmi, lodged a complaint before H 6, R.K.Nagar Police Station, Chennai and the same was registered on 21/1/2022 in Crime No.77 of 2022 as "women missing". Since the girl's family has a political connection, the petitioner was slapped with the offence punishable under Sections 8 (cc) r/w.21 (c) 29 (1) of NDPS Act, 1985 NDBS and the same was registered in Crime No.159 of 2022 for the alleged possession of 2 kgs of Ephedrine.

4. Learned counsel for the petitioner further submitted that apprehending the present investigating agency is not proceeding with the investigation in the proper prospective, seeks transfer of investigation of the case in Crime No.159 of 2022 from the file of the second respondent Police to any other Investigating Agency more particularly CBCID or higher official in the rank of Deputy Commissioner.

5. Denying the allegation, the learned Additional Public Prosecutor submitted that the instant case is entirely different from "women missing" case and hence, there is no need to transfer the investigation. The learned Additional Public Prosecutor further submitted that the elopement of the defacto complainant with A.2 is not in dispute.

6. Having regard to the above submissions and nature of the allegation, the manner in which case has been registered, subsequent to the "women missing" case, in order to ensure that there is a fair investigation, which is also comes under concept of the fair trial, this Court is of the view that to ensure the fairness in the investigation, investigation has to be conducted by some other Police Officer other than the respondent Police.

7. In the result, this Criminal Original Petition is allowed. Investigation in Crime No.159 of 2022 dated 7/3/2022 is transferred from the file of the Inspector of Police, H 6 R.K.Nagar Police Station, Chennai, to the Inspector of Police, H.3 Tondiarpet Police Station. The Inspector of Police, H3 Tondiarpet Police Station, shall conduct investigation properly in the manner known to law and file a final report before the concerned Court.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mvs.



To

1. The Commissioner of Police
Greater Chennai, Vepery
Chennai 600 007.
2. The Inspector of Police
H 6 R.K.Nagar Police Station
Chennai.
3. The Inspector of Police,
H3 Tondiarpet Police Station,
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.K.M.Samsu Nihar, Advocate, S.R.No.32783

Cr1. O.P. No. 9187 of 2022

SMI[co]
NSK/17/06/2022