

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.16937 of 2021
and
Crl.M.P.No.9231 of 2021

R.Arunkumar

... Petitioner

Versus

1. State rep.by
Superintendent of Police
Chengalpattu District.
2. The Inspector of Police
Guduvancherry Police Station
Chengalpattu District.
3. The Superintendent of Police
CBCID
Chengalpattu
Chengalpattu District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first Respondent to withdraw the case file in Crime No.869 of 2021 from the file of the second Respondent and transfer the same to the third Respondent agency for fair investigation in Crime No.869 of 2021.

For Petitioner : Mr.N.Ponraj

For Respondents: Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the first Respondent to withdraw the case file in Crime No.869 of 2021 from the file of the second Respondent and transfer the same to the third Respondent agency for fair investigation in Crime No.869 of 2021.

2. When the case came up for hearing, the Learned Counsel for the Petitioner submitted that the Petitioner had filed this petition seeking for transfer of investigation from the file of the Guduvancherry Police Station, to any other Police. It is submitted by the Learned Counsel for the Petitioner that the Petitioner is an Advocate Practicing in Chengalpattu District, when he was proceeding with his wife and children, an unknown person came in inebriated condition and started abusing him as that he would have hit him and suddenly started attacking him and his wife. With great difficulty, he preferred a complaint with the Inspector of Police, Guduvancherry Police Station, an FIR was registered, but subsequently, there was no development. Therefore, the Petitioner was forced to file this petition seeking direction to transfer the case from the file of the Inspector of Police, Guduvancherry Police Station.

3. The Learned Government Advocate (Crl.Side) vehemently objects to the submission of the Learned Counsel for the Petitioner stating that the investigation had been completed and final report of the investigation laid before the Court of the Learned Judicial Magistrate, Additional Mahila Court, Chengalpattu and it was taken cognizance by the Learned Judicial Magistrate, Additional Mahila Court, Chengalpattu as C.C.No.364 of 2021 under Sections 294(b), 323 and 506(i) of IPC r/w Section 4 of Women Harassment Act. Copies had also been furnished to the Accused. The case is pending trial and posted on 08.07.2022 for framing of charges.

4. Considering the submission of the Learned Government Advocate (Crl.Side) that final report laid before the Court of the Learned Judicial Magistrate, Additional Mahila Court, Chengalpattu, the case had been taken cognizance by the Learned Judicial Magistrate, Additional Mahila Court, Chengalpattu, under Sections 294(b), 323 and 506(i) of IPC r/w Section 4 of Women Harassment Act, it is not a fit case for ordering the transfer of investigation. Since the investigation had already been completed resulting in laying of the final report, and it was taken cognizance by the Learned Judicial Magistrate, Additional Mahila Court, Chengalpattu.

5. The Petitioner is directed to appear before the Learned Judicial Magistrate, Additional Mahila Court, Chengalpattu, as witness for Prosecution and co-operate with the Prosecution in the trial proceedings.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Judicial Magistrate, Additional Mahila Court,
Chengalpattu.
2. The Superintendent of Police
Chengalpattu District.
3. The Inspector of Police
Guduvancherry Police Station
Chengalpattu District.
4. The Superintendent of Police
CBCID, Chengalpattu
Chengalpattu District.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.L.Baskaran, Advocate, S.R.No.34744

CrI.O.P.No.16937 of 2021
and
CrI.M.P.No.9231 of 2021

PMK[co]
NSK/12/07/2022