



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Cr1.O.P.No.18376 of 2021

Mrs.Rehana Begum

...Petitioner/Defacto Complainant

Vs.

1. Inspector of Police,
AWPS,
Tambaram, Chennai.

...Respondent/Complainant

2. The Inspector of Police,
Team 13, Cyber Crime,
Central Crime Branch,
Chennai.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C, praying to transfer the investigation of FIR in Cr.No.5 of 2020 now pending on the file of the first Respondent herein and transfer the same to the file of the second Respondent.

For Petitioner : Mr.M.Mohammed Rafi

For Respondents: Mr.L.Baskaran
Government Advocate (Cr1. Side)

ORDER

This Petition had been filed to transfer the investigation regarding the FIR in Cr.No.5 of 2020 on the file of the first Respondent herein to the second Respondent.

2. The learned Counsel for the Petitioner submits that the Petitioner was ill-treated, abused and tortured by her husband. Therefore, she preferred a Complaint with All Women Police Station, Tambaram. When the Police had registered the FIR, the husband had approached this Court seeking Anticipatory Bail. The Anticipatory Bail was granted by this Court. Subsequent to the grant of Anticipatory Bail, the husband had uploaded the



videos regarding the Petitioner and her husband were in physical relationship. Therefore, she was forced to file a second Complaint with the Central Crime Branch, based on which, second case was registered. Also, the Petitioner approached this Court for cancellation of Anticipatory Bail with regard to the case registered by the All Women Police Station, Tambaram.

2.1. The learned Counsel for the Petitioner invited the attention of this Court to the typed set wherein the injury suffered by the Petitioner and that was recorded by the Doctor had been enclosed.

3. The learned Government Advocate (Crl. Side) submits that after cancellation of Anticipatory Bail filed by the Petitioner, the husband had moved the Petition before Hon'ble Supreme Court by way of SLP and therefore stay was granted. Since there is a stay the Police could not proceed the case.

4. Therefore, the learned Government Advocate (Crl. Side) submitted the copy of the Order of SLP of the Hon'ble Supreme Court received by the Investigation Officer in this case. The submission of the learned Government Advocate (Crl. Side) cannot at all be accepted as it is clearly mentioned that the stay of arrest has no impediment to proceed with the investigation. The lack of interest or indifferent attitude of the Investigation Officer is exhibited by misinterpreting the Order of the Hon'ble Supreme Court.

4.1. Considering the nature of injuries suffered by the Petitioner, the Complaint preferred by her was registered as FIR. Subsequent to the registration of the FIR, the Commissionerate of Police in Chennai is trifurcated. Therefore, the Central Crime Branch Wing, Tambaram Commissionerate of Police is directed to proceed with the investigation of the cases which were already registered by All Women Police Station, Tambaram and also another case which was registered by the Central Crime Branch.

With the above directions, this Criminal Original Petition is disposed off.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissionerate of Police,
Central Crime Branch Wing,
Tambaram.

2. The Inspector of Police,
AWPS,
Tambaram, Chennai.

3. The Inspector of Police,
Team 13, Cyber Crime,
Central Crime Branch,
Chennai.

4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Mohammed Rafi, Advocate, S.R.No.34691

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NMI (CO)
RGA (20/06/2022)