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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 03.02.2022

DATED : 22.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.22712 OF 2021
& CRL.MP.NO.12364 OF 2021

Sathish @ Manga Sathish

... Petitioner/
Accused-1

Vs.

1. State by:

Deputy Commissioner of Police,
New Washermenpet Police Station,
Thiruvottiyur High Road,
Vasanthanagar, Chennai.

... 1st Respondent

2. State by:

The Inspector of Police,
H-5 New Washermenpet Police Station,
Chennai

... 2nd Respondent/
Complainant

PRAYER:

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation in Crime No.2126 of 2021 pending on the file of the Inspector of Police H-5 New Washermenpet Police Station, Chennai to some other agencies.

For Petitioner : Mr.M.Mathan Raj

For Respondents: Mr.E.Raj Thilak,
Additional Public Prosecutor



ORDER

This Criminal Original Petition, filed by the accused in Crime No.2126 of 2021 on the file of the H5 New Washermenpet Police Station for the offences under Sections 8(c), 20(b)(ii) (B) and 22(c) of NDPS Act, seeking transfer of investigation.

2.The gist of the complaint is that on 30.09.2021 at about 7.45 am, the defacto complainant/Inspector of Police, H5 New Washermenpet Police Station received secret information that the petitioner along with two other persons from Ammani Amman Thottam, New Washermenpet, were selling contrabands below Viswanathan Flyover and based on the direction given by the Deputy Commissioner of Police, Washermenpet, the Complainant along with his Police Personnel arrived at the place of occurrence. On seeing the Police team, all the three accused tried to escape, the respondent along with his team surrounded the petitioner/A1 and found that the petitioner was in possession of ten numbers of NITRAVET tablet weighing about 705 grams and 2 kgs of ganja. Based on his confession statement, the other two accused were included in this case and thereafter, following the procedures the above case was registered.

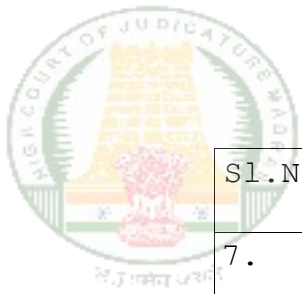
3.The contention of the petitioner is that the complaint is highly artificial and a false case was registered. It is further stated that the petitioner was not present in the place of occurrence and there are number of CCTV cameras in the place of occurrence and if it is verified, it would unequivocally tacit that the petitioner was not present in the place of occurrence during the relevant point of time. It is further submitted that after the Deputy Commissioner of Police, Washermenpet took charge, more than 30 drug cases were foisted against the family members and friends of the accused who were involved in murder and other cases even though they were not connected with the cases. Further, in order to arrest A2/Guruprasath, who is involved in various cases, the petitioner's name was intentionally wielded in this case. The second respondent by using his incumbent power had illegally arrested the petitioner and kept in the Police Station, wherein the petitioner was attacked and fractured his left leg. Thereafter, before the petitioner before the concerned Magistrate, the Inspector of Police, H5 New Washermenpet Police Station overawe the petitioner by placing gun towards his head and threatened him to state before the Doctor and the learned Magistrate that his leg got fractured by falling from the bridge. The petitioner had stated the same before the Doctor and the same was recorded in the Accident Register. When the petitioner was produced before the learned Magistrate, the petitioner informed the Remanding Magistrate about the Inspector of Police, H5 New Washermenpet Police Station attacking him and



broke his leg. The same was recorded by the learned Magistrate and directed the prison authorities to give necessary treatment as per prison rules. The petitioner submits that he is not involved in any untoward incident as alleged in complaint and it is created for the purpose of satisfying their higher officials. Hence, he sought for transfer of investigation.

4.The learned Additional Public Prosecutor raised objections by filing a counter stating that on 30.09.2021, they received information that three unknown persons were selling Drug tablets and ganja at New Washermenpet Vaidhyanadhan Bridge, immediately, a Police team rushed to the place of occurrence, at that time, the petitioner was standing with a black coloured plastic bag and the other accused persons escaped from that place. The Sub Inspector of Police with the help of police party caught hold of A1 and seized the said contrabands from him and based on his confession statement, the other two accused were included in this case. Thereafter, case was registered in Crime No.2126 of 2021, the petitioner was arrested and the materials were seized. It is further stated that petitioner is a habitual offender, a history sheeted rowdy and the petitioner was involved in various other cases, which are as follows:

Sl.No.	Police Station, Crime Number and Section of Law	Stage of the Case
1.	H5 PS Cr.No.475/19 u/s. 147, 148, 341, 302 506(ii), 120(B) r/w. 149 of IPC	Pending Trial
2.	H5 PS Cr.No.749/15 u/s. 341, 307 of IPC	Under Investigation
3.	H5 PS Cr.No.698/16 u/s. 341, 294 (b), 336, 427, 307, 506(ii) of IPC	Pending Trial
4.	PS Cr.No.1115/15 u/s. 341, 294 (b), 336, 427, 307 506(ii) of IPC	Pending Trial
5.	H5 PS Cr.No.658/18 u/s. 341, 294 (b), 307 506(ii) of IPC	Pending Trial
6.	H5 PS Cr.No.1051/2021 u/s. 147, 148, 341, 323, 324, 307, 506(ii) of IPC & 3 of TNPPDL Act, 1992	Under Investigation



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Sl.No.	Police Station, Crime Number and Section of Law	Stage of the Case
7.	H5 PS Cr.No.1052/2021 u/s. 147, 148, 341, 323, 324, 427, 307, 506(ii) of IPC & 3 of TNPPDL Act, 1992	Under Investigation
8.	H5 PS Cr.No.357/18 u/s. 341, 324, 294(b), 506(ii) of IPC	Under Investigation
9.	H5 PS Cr.No.133/14 u/s. 147, 341, 324, 506(ii) of IPC	Under Investigation
10.	H5 PS Cr.No.895/15 u/s. 341, 392, 427, 397, 506(ii) of IPC	Under Investigation
11.	H5 PS Cr.No.37/2021 u/s. 294(b), 384, 427, 506(ii) of IPC	Pending Trial
12.	H5 PS Cr.No.2126/2021 u/s. 8(c), 20(b)(ii)(B), 22(c) of NDPS Act	Under Investigation
13.	H5 PS Cr.No.4460/2020 u/s. 294(b), 323, 397, 427, 506(ii) of IPC	Under Investigation

5.The learned Additional Public Prosecutor reiterated the averments stated in the counter affidavits and submitted that the petitioner's grievances primarily appears to be that under the direction of the then Deputy Commissioner of Police, Washermenpet, the petitioner was falsely implicated in this case for one reason or the other, but the said Deputy Commissioner of Police now got transferred and in view of the same, the apprehension of the petitioner is now no more exists. Hence, he sought for dismissal of the criminal original petition.

6.Considering the submissions made and on perusal of the materials, it is seen that the main grievance of the petitioner is that he had apprehension that no proper investigation will be conducted. Since the case was foisted against him on the direction of the Deputy Commissioner of Police, Washermenpet, it is seen now the Deputy Commissioner of Police got transferred and the apprehension of the petitioner no more exists. In view of the complaint made against the Police personnel, this Court feels it appropriate that the investigation to be conducted by the concerned Police Officer under the direct supervision of the Joint Commissioner of Police, North Chennai.



7. With the above directions, these Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Commissioner of Police,
New Washermenpet Police Station,
Thiruvottiyur High Road,
Vasantha Nagar, Chennai.
2. The Inspector of Police,
H-5 New Washermenpet Police Station,
Chennai
3. The Joint Commissioner,
North Chennai.
4. The Public Prosecutor,
High Court, Madras.

Copy To

- 1 The Director General of Police,
Mylapore, Chennai-4
- 2 The Commissioner of Police,
The Greater Chennai,
Vepery, Chennai-600 008.

+1cc to Mr.M.Mathan Raj, Advocate, S.R.No.12277

Cr1.O.P.No.22712 of 2021

SSN(CO)
PM/09/03/2022