



Crl.O.P.No.24117 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 10.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.O.P.No.24117 of 2022 and
Crl.M.P.No.15283 of 2022**

1.M.Bharathi
2.T.Paranthami
3.K.Pannerselvi
4.E.Murugesan

... Petitioners

Vs.

1.The Commissioner of Police,
Office of the Tambaram Commissionerate,
Elcot Sez, Karappakam,
Sholinganallur,
Chennai 600 119.

2.The Inspector of Police
T-1 Tambaram Police Station,
Muthulingam Street,
New Market, Tambaram West,
Tambaram, Chennai 45.

3.The Sub Inspector of Police
T-1, Tambaram Police Station,
Muthulingam Street,
New Market, Tambaram West,
Tambaram, Chennai 45.



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4.V.Devi

... Respondents

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Prayer: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, 1973 to call for the records in Crime No.455 of 2022 pending investigation on the file of the third respondent Police and transfer the same to any other Investigation Officer of the rank of the Inspector of Police and investigate in accordance with law.

For petitioner : Mr.M.Ravichandiran

For respondent : Mr.S.Santhosh
Government Advocate (crl.side)
for R1 to R3.

ORDER

This petition has been filed to call for the records in Crime No.455 of 2022 pending investigation on the file of the third respondent Police and transfer the same to any other Investigation Officer of the rank of the Inspector of Police and investigate in accordance with law.

2. The learned counsel for the petitioners submitted that the respondent police have registered the complaint given by the fourth respondent namely Devi, in Crime No.455 of 2022 against the petitioners, whereas, they have not taken on file the complaint given by



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the petitioners on 05.07.2022. Therefore, he prays to transfer the investigation of Crime No.455 of 2022 from the third respondent police to any other investigating officer.

3. The learned Government Advocate (Crl.Side) appearing for the respondents 1 to 3 submitted that the case in Crime No.455 of 2022 is under investigation.

4. A perusal of the records shows that one Devi has given a complaint against the petitioners and it was registered in Crime No.455 of 2022 for the offences punishable under Sections 341, 294(b) and 323 IPC on the file of the third respondent police and it is under investigation. Prima facie, the petitioners/ accused have no right to seek transfer of the investigation from one investigating officer to another investigating officer. The evidences collected by the investigating officer has to be subjected for Trial and the accused have to put their defence. Further, it is the duty of the investigating officer to prove the charges against the petitioners through evidences. In such circumstances, this



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petition, seeking transfer of the investigation, has no merits and hence, the same is liable to be dismissed.

5. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

10.10.2022

Index: Yes/No
Internet: Yes/No
mst

To

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Chennai 600 119.
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Muthulingam Street, New Market,
Tambaram West, Tambaram, Chennai 45.
3. The Sub Inspector of Police
T-1, Tambaram Police Station,
Muthulingam Street,
New Market, Tambaram West,
Tambaram, Chennai 45.
4. The Public Prosecutor,



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Madras High Court.



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V.SIVAGNANAM, J.

mst

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