



WEB COPY



Crl.O.P.No.24196 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.24196 of 2022

and

Crl.M.P.No.15436 of 2022

Shanthi

... Petitioner

Vs.

State rep. by

1.The Superintendent of Police,
Cuddalore District,
Cuddalore.

2.The Inspector of Police,
Pennadam Police Station,
Cuddalore District.
(Crime No.452 of 2022)

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the first respondent to transfer the investigation in Crime No.452 of 2022 pending on the file of the second respondent police to CBCID.

For Petitioner : Ms.D.Shobana

For Respondents : Mr.S.Santhosh,
Government Advocate (crl.side)



Crl.O.P.No.24196 of 2022

ORDER

This Criminal Original petition has been filed to direct the first respondent to transfer the investigation in Crime No.452 of 2022 pending on the file of the second respondent police to CBCID.

2.The learned Counsel appearing for the petitioner submitted that on the complaint given by one Gopi, a case has been registered against the petitioner's father and brothers for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) and 302 of IPC. Since the petitioner is the daughter and sister of the accused, the respondent police on suspicion arrested the petitioner. He would submit that if the investigation is continued by the second respondent, the petitioner will not get justice. Thereby, the petitioner's father in law gave a representation dated 08.08.2022 before the second respondent with regard to transfer of investigation, however, the same has not been considered so far. Hence, the present petition has been filed.

3.The learned Government Advocate (crl.side) submitted that the petitioner is an accused in Crime No.452 of 2022 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) and 302 of IPC and the investigation is still under progress.



Crl.O.P.No.24196 of 2022

4. I have considered the matter in the light of the submissions made by the learned counsel for the petitioner, the learned Government Advocate (Crl.Side) appearing for the respondent police.

5. The petitioner being an accused in Crime No.452 of 2022, cannot seek for transfer of investigation merely on the ground that the case has been made out against her. Thereby, the prayer sought by the petitioner is not maintainable without any *prima facie*. Hence, I do not find any merits in this case.

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

11.10.2022

Internet: Yes
Index: Yes/No
shk

V.SIVAGNANAM, J.



Crl.O.P.No.24196 of 2022

shk

WEB COPY

To

1.The Superintendent of Police,
Cuddalore District,
Cuddalore.

2.The Inspector of Police,
Pennadam Police Station,
Cuddalore District.

3.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.24196 of 2022
and
Crl.M.P.No.15436 of 2022

11.10.2022