

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Cr1.O.P.No.24617 of 2021

K.Kamatchi ...Petitioner/Defacto Complainant

Vs.

1. The Inspector General of Police,
DGP Office Complex, (Technical Services),
Kamarajar Salai, Chennai - 600 004.
2. The Deputy Commissioner of Police, (Ambattur)
First Floor, Old Corporation Building,
Near Avadi Bus stand, Nehru Bazar,
Avadi, Chennai- 600 054.
3. The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Ambattur, Chennai City.

...Respondents/Respondents

Prayer: This Criminal Original Petition had been filed under Section 482 of Criminal Procedure Code to direct the Respondents 1 & 2 herein to transfer the investigation in Crime No.106 of 2021 on the file of the third Respondent herein to any other independent investigation agency to conduct the investigation in the manner known to law and further direct to file final report.

For Petitioner : Mr.A.Esakkiappan

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

ORDER

This Criminal Original Petition had been filed to direct the Respondents 1 & 2 herein to transfer the investigation in Crime No.106 of 2021 pending on the file of the third Respondent to any other independent investigation agency to conduct the investigation.

2. When the case came up for hearing, the learned Counsel for the Petitioner submitted that the Petitioner had preferred a

complaint against one Mr.Santhosh Kumar who is working as Sub Inspector of Police (Technical Services). It is the complaint of the Petitioner that the Mr.Santhosh Kumar was a classmate of Petitioner's son. He had offered to get a Government job for the Petitioner's daughter-in-law. On that pretext he introduced one Valli and the Petitioner had handed over a huge amount to them to get a Government job for her daughter-in-law. Subsequently, there was no response from Santhosh Kumar and Valli. Therefore, Petitioner had approached the Commissioner of Police with the complaint, who had directed her to approach the Deputy Commissioner of Police, Ambattur. The Petitioner had approached the Deputy Commissioner of Police, Ambattur where, only Community Service Register (C.S.R) was registered.

3. It is the contention of the learned Counsel for the Petitioner that, since the Accused in this case happens to be the Sub Inspector of Police, the Deputy Commissioner of Police and his subordinates are not willing to register a case. Therefore, the Petitioner was forced to approach the Court of the learned Judicial Magistrate, Ambattur by filing the Petition in CrI.M.P.No.1943 of 2020 under Section 156(3) of Cr.P.C. After due enquiry the learned Judicial Magistrate had passed orders on 11.12.2020 directing the Inspector of Police, Thirumullaivoyal Police Station to register a case against the said Santhosh Kumar and proceed with the investigation. However, the Inspector of Police, Thirumullaivoyal had not registered the case. Therefore, based on the orders passed by the learned Judicial Magistrate, Ambattur dated 11.12.2020 the Petitioner was forced to file a Petition in CrI.O.P.No.4065 of 2021 before this Court by invoking the powers under Section 482 of Cr.P.C.

4. Accordingly, this Court had passed an order dated 16.03.2021, directing the Inspector of Police, Thirumullaivoyal to proceed with the investigation and file final report. It is the contention of the Petitioner that, in spite of the direction of this Court as well as the learned Judicial Magistrate, Ambattur Respondents had not proceeded with the investigation even after two years. Therefore, by filing this Petition he seeks to transfer the investigation to any Special Unit of the Tamil Nadu Police.

5. In view of the lackadaisical attitude of the Respondents in not complying either the order of the learned Judicial Magistrate or the order passed by this Court in CrI.O.P.No.4065 of 2021, it is found that the apprehension expressed by the Petitioner is found reasonable. Therefore, the Inspector General of Police, CBCID is directed to nominate an officer not below the rank of the Deputy Superintendent of Police to proceed with the investigation and file a final report to the Court concerned. The third Respondent/the Inspector of Police,

Thirumullaivoyal is directed to transfer the file to the Investigation Officer nominated by the Inspector General of Police, CBCID.

6. With the above said direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Police,
DGP Office Complex, (Technical Services),
Kamarajar Salai, Chennai - 600 004.
2. The Inspector General of Police,
CBCID, Chennai.
3. The Deputy Commissioner of Police, (Ambattur)
First Floor, Old Corporation Building,
Near Avadi Bus stand, Nehru Bazar,
Avadi, Chennai- 600 054.
4. The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Ambattur, Chennai City.
5. The Public Prosecutor,
High Court, Madras.

Copy To

The Judicial Magistrate,
Ambattur.

+1cc to M/s.A.Esakkiappan, Advocate, S.R.No.40221

Crl.O.P.No.24617 of 2021

PMK(CO)
RGA(15/07/2022)