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Crl.O.P.No.25111 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.O.P.No.25111 of 2022

Mynavathi

... Petitioner

Vs.

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

2. Deputy Superintendent of Police,
Thittakudi Sub Division,
Cuddalore District.

3. The Inspector of Police,
Thittakudi Police Station,
Cuddalore District.
(Crime No.480/2022).

4. Additional Director General of Police,
(Social Justice & Human Rights),
Kamarajar Road, Mylapore,
Chennai-4.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondents 1 to 3 to transfer the case in Crime No.480/2022 from the file of the respondents 1 to 3 to the file of the fourth respondent to conduct investigation into the matter in accordance with law.



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For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct the respondents 1 to 3 to transfer the case in Crime No.480/2022 from the file of the third respondent to the file of the fourth respondent to investigate the matter in accordance with law.

2. The learned counsel for the petitioner submitted that based on the complaint given by the petitioner, a case in Crime No.480/2022 has been registered under Section 447, 427, 506(i) IPC r/w 3(1)(r), 3(1)(s), 3(2)(Va) SC/ST POA Act by the respondent police. He further submitted that the first respondent has appointed the second respondent to investigate the case, who has no past experience in dealing with the atrocity cases. Hence, this petition.

3. The learned Government Advocate (Criminal Side) appearing for the respondents would submit that the Superintendent of Police, Cuddalore



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District, by his proceedings in C.No.L2/IO-66/2022 dated 05.10.2022, has appointed the Deputy Superintendent of Police, Thittakudi Sub Division as investigation officer to investigate the case in Crime No.480/2022 under Section 447, 427, 506(i) IPC r/w 3(1)(r), 3(1)(s), 3(2)(Va) SC/ST POA Act, within the earliest possible time. He has also placed the above proceedings before this Court.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

5 It is the contention of the petitioner that the second respondent has no experience in dealing with the atrocity cases and hence seeks to transfer the case from the file of the third respondent to the file of the 4th respondent. But, the first respondent is the competent authority to choose a competent person and appoint him to investigate the matter. In such circumstances, this Court cannot transfer the matter, based on the petition made by the petitioner. Hence, this petition has no merits and is liable to be dismissed.



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6. Accordingly, this Criminal Original Petition is dismissed.

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Index:Yes/No
mst

To:

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2. Deputy Superintendent of Police,
Thittakudi Sub Division,
Cuddalore District.
3. The Inspector of Police,
Thittakudi Police Station,
Cuddalore District.
(Crime No.480/2022).
4. Additional Director General of Police,
(Social Justice & Human Rights),
Kamarajar Road, Mylapore,
Chennai-4.
5. The Public Prosecutor,
High Court of Madras.



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V.SIVAGNANAM, J.

mst

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