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Crl.O.P.No.29164 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2022

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.29164 of 2022

Govindhi

... Petitioner

Vs.

1. The Assistant Commissioner of Police,
Salem City, Salem.

2. The Inspector of Police,
Karuppur Police Station,
Salem City,
Crime No. 305 of 2022

3. The Superintendent of Police,
CB CID Wing,
Salem District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C.,
pleased to transfer the investigation in Crime No. 305 of 2022 on the file of 2nd
respondent to that of the 3rd respondent considering the nature, gravity and
seriousness of the offences and further direct them to complete the investigation
within the stipulated time.



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For Petitioner : M.G.Udayashankar
For Respondents : Mr.S.Santhosh
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed seeking direction to transfer the investigation in Crime No. 305 of 2022 on the file of 2nd respondent to that of the 3rd respondent considering the nature, gravity and seriousness of the offences and further direct them to complete the investigation within the stipulated time.

2. The learned counsel for the petitioner submitted that the petitioner is the defacto complainant in Crime No.305 of 2022 registered for the offence under Sections 147, 148, 294(b), 436, 506(2) of IPC against her Daughter-in-law Maheshwari and four others. The said Maheshwari had also lodged a complaint against one Rajasekar, Arul, Chithra, Pazhaniammal and Valli, for which, FIR was registered in Crime No. 304 of 2022 for the offence under Sections 147, 148, 294(b), 436, 506(2) of IPC. There is a property dispute between the petitioner and her daughter-in-law. On 28.08.2022, Daughter-in-



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law/Maheshwari along with other accused had formed unlawful assembly and set fire to the house of the petitioner and scolded in filthy language and also made death threat. However, the case was not registered by Mr. Raja, Sub-Inspector of Police immediately. On the other hand, the complaint was secured from the said Maheshwari and the same was registered in Crime No.304 of 2022. Only after complaints were lodged against the said Raja, Sub-Inspector of Police, the petitioner's complaint was registered in Crime No.305 of 2022. The petitioner apprehends that her Daughter-In-Law/Maheshwari have connections with some local police, especially with said Raja, Sub-Inspector of Police. He secured thumb impressions in a blank papers and it is apprehended that may be used against the petitioner. Therefore, the present petition is filed.

3. The learned Government Advocate (Crl. Side) submitted that on the basis of the complaint received against the Raja, Sub-Inspector of Police, current paper enquiry was conducted. After registration of FIR, current paper enquiry was closed. He further submitted that the investigation in this case is being conducted by the Inspector of Police.

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4. Considered the rival submissions. In the light of the the specific allegations made against the Sub-Inspector of Police, this Court directs the 2nd respondent to complete the investigation in a fair and proper manner. However, 1st respondent/Assistant Commissioner of Police, Salem is directed to monitor the investigation. The final report is to be filed only after the approval of the Assistant Commissioner of Police, Salem.

5. With the above observations and directions, this Criminal Original petition is disposed of.

20.12.2022

Internet : Yes / No

Index : Yes / No

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To

1. The Assistant Commissioner of Police,
Salem City, Salem.
2. The Inspector of Police,
Karuppur Police Station,
Salem City,
Crime No. 305 of 2022
3. The Superintendent of Police,
CB CID Wing,
Salem District.
4. The Public Prosecutor,
Madras High Court.



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G.CHANDRASEKHARAN,J.

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