



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.651 of 2022

R.S.Bala Senthil

... Petitioner

Vs.

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-600 004.

2.The Commissioner of Police,
Madurai City,
Office of the Commissioner of Police,
Madurai.

3.The Inspector of Police,
C2, Subramaniyapuram Police Station,
Madurai.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to transfer the investigation of the case in Crime No.566 of 2021 on the file of the second respondent police to Crime Branch, Central Investigation Department or any other investigating agency.

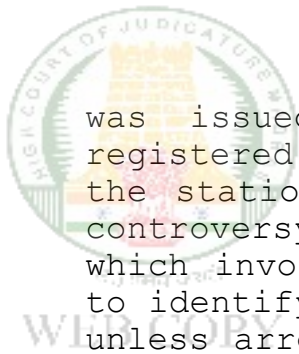
For Petitioner : Mr.Nirajan S.Kumar
For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The criminal original petition has been filed by the defacto complainant seeking transfer of investigation in Crime No.566 of 2021 on the file of the third respondent.

2.The petitioner's wife is said to have some Psychiatric issues. Therefore, a caretaker was appointed. Unfortunately, like the fence eating the crops, the caretaker has stolen the family jewelery. This was captured in the CCTV camera also.

3.The specific grievance of the petitioner is that the third respondent did not receive the complaint and only after direction



was issued by the jurisdictional Magistrate, FIR came to be registered. Further allegation has been made that A1 was brought to the station but let off. I do not want to enter into the factual controversy. The grievance is absolutely justified. It is a case which involves theft of the jewelery. There is also a CCTV footage to identify the accused. The accused has been identified. Therefore, unless arrest is effected, there cannot be recovery. The occurrence had taken place in 2019 but the FIR came to be registered only on 10.11.2021. Therefore, the jurisdictional Assistant Commissioner of Police shall take over the investigation. He can form his own team to assist him.

4.I am conscious that no Court can direct the investigation officer to arrest the accused but in a case of this nature, I am sure that the investigation Officer knows his job. I am sure the new investigation Officer would redress the concerns of the petitioner as early as possible by securing the accused. The Criminal Original Petition is allowed on these terms.

5.The second respondent is directed to issue appropriate proceedings in this regard in tune with the order passed now and with a mandate to the new investigation Officer to conclude the investigation as expeditiously as possible.

Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

2.The Commissioner of Police,
Madurai City,
Office of the Commissioner of Police,
Madurai.



3.The Inspector of Police,
C2, Subramaniyapuram Police Station,
Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.NIRANJAN S KUMAR, Advocate (SR-3476[F] dated
01/02/2022)

Crl.O.P. (MD)No.651 of 2022
01.02.2022

RS (08.02.2022) 3P-6C