



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.1970 of 2022

K.Harshila

... Petitioner

Vs.

1.The Director General of Police,
O/o DGP, Chennai.

2.The Superintendent of Police,
Theni,
Theni District.

3.The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.

4.The Inspector of Police,
All Women Police Station,
Theni,
Theni District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents 1 & 2 herein to transfer the case in Crime No.16 of 2021 on the file of the third respondent police to the fourth respondent police and to file final report.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to transfer the case in Crime No.16 of 2021 on the file of the third respondent police to the fourth respondent and to file the final report.

2.The case of the prosecution is that the petitioner married one Angelesh. Before marriage, the said Angelesh posed him as a big ranking officer in Wildlife Forest Department and cheated the petitioner and married her. From the date of marriage, her husband and his parents and also his brother tortured the petitioner and pledged all the jewels and in addition to the above, the said Angelesh's brother, who is working as a police Constable, got 10 sovereign of gold. Hence, the petitioner lodged complaint before the third respondent.



3.The learned counsel appearing for the petitioner would submit that on receipt of the said complaint, the third respondent registered FIR in Crime No.16 of 2021 for the offences under Sections 489(A), 406, 420 and 506(i) of I.P.C and Section 4 of Dowry Prohibition Act as against four accused persons. All the accused persons have filed Anticipatory Bail before this Court in Crl.O.P (MD)No.15530 of 2021 and the same was dismissed by this Court on 19.11.2021. In fact, while dismissing the Anticipatory Bail, this Court specifically directed the third respondent to recover the gold ornaments and money from the accused and also secure the accused in the manner known to law. However, the said direction has not been complied with till today. That apart, the fourth accused is the brother of the first accused, who is working in Gudalar Police Station ie., very nearer to the third respondent Police Station and as such, the third respondent did not take any steps to recover any jewels and also did not take any steps to secure them, even after the dismissal of the Anticipatory Bail petition. The father of the first accused, namely, A2 is now contesting in the Local Body Election. Therefore, the third respondent did not take any action as against the accused persons so far. If the investigation is pending with the file of the third respondent, the petitioner will not have any fair investigation.

4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents.

5.In view of the above, the entire investigation pursuant to Crime No.16 of 2021 is hereby withdrawn from the file of the third respondent and transferred to the file of the fourth respondent for further investigation. It is made clear that the third respondent is directed to transfer the entire investigation in Crime No.16 of 2021 to the file of the fourth respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the fourth respondent is directed to conduct investigation in view of the above observation and complete the same within a period of twelve weeks thereafter and file a final report.

6.With the above direction, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (AS)

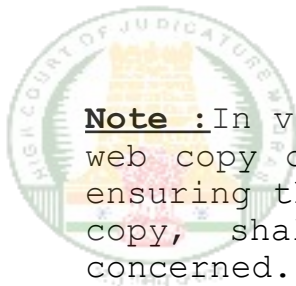
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/ /2022

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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.

WEB COPY

To

- 1.The Director General of Police,
O/o DGP, Chennai.
- 2.The Superintendent of Police,
Theni,
Theni District.
- 3.The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
- 4.The Inspector of Police,
All Women Police Station,
Theni,
Theni District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P(MD)No.1970 of 2022
14.02.2022

RD(28.02.2022) 3P 6C