



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD).No.5738 of 2022

Logambal

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Deputy Commissioner of Police, (L & O),
Madurai City,
Madurai.

3.The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai.

In Crime No.56 of 2021

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the 1st and 2nd respondents to transfer the investigation pending on the file of 3rd respondent in Crime No.56 of 2021 to any other competent officer to investigate the case and file a final report within the stipulated time, by considering the representation of the petitioner dated 26.02.2022.

For Petitioner : Mr.M.Jegadeesh Pandian

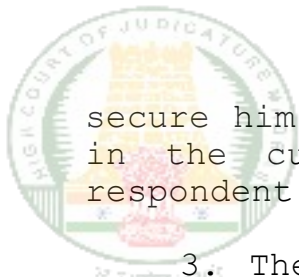
For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed for transfer of investigation in Crime No.56 of 2021 from the file of the third respondent to any other investigation agency.

2. Learned counsel for the petitioner would submit that the petitioner lodged a complaint before the third respondent as against her husband and other family members and a case was registered in Crime No.56 of 2021 for the offences punishable under Section 498 (A), 406, 341, 294(b) and 506(1) of IPC. It is the contention of the petitioner that her husband, even till today, did not obtain anticipatory bail and even then the respondent police failed to



secure him. The jewels which are presented during her marriage are in the custody of the first accused and even then the third respondent failed to recover the jewels.

3. The learned Additional Public Prosecutor would submit that the first accused, namely, the husband of the petitioner already obtained anticipatory bail and they are waiting for the report from the Social Welfare Board and the investigation is under progress.

4. In the case of family dispute, the arrest of the accused would cause prejudice and would cause serious issue while getting re-union between the husband and wife. That apart, the first accused has already obtained anticipatory bail and the investigation is pending. Therefore, the grounds raised by the petitioner in this petition cannot be considered for transfer of investigation in Crime No.56 of 2021 from the file of the third respondent to any other investigation agency. Therefore, this Court is not inclined to entertain this petition as prayed for by the petitioner.

5. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar(CS)

Lm

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 Commissioner of Police,
Madurai City,
Madurai.

2.The Deputy Commissioner of Police, (L & O),
Madurai City,
Madurai.

3.The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai.



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

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MGJ(07.04.2022) 3P 5C