



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.8000 of 2022

Mallika Patel

...Petitioner

Vs.

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

2. The Additional Superintendent of Police
Trichy District, Trichy.

3. The State Represented by,
The Inspector of Police,
Anti-land Grabbing Cell,
District Crime Branch,
Trichy District,
(In Crime No.12 of 2019)

...Respondents No.1 to 3

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to withdraw the case pending in Crime No.12 of 2019 from the file of 3rd respondent and transfer the same to the file of 2nd respondent with the direction to conduct further investigation and to file charge sheet in accordance with law within the period that may be stipulated by this Hon'ble Court.

For Petitioner : Mr. R. Gandhi

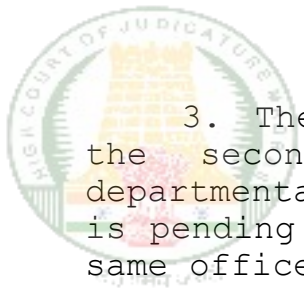
For Respondents : Mr. R.M.Anbunithi,
Additional Public Prosecutor

For Intervenor : Mrs. AL. Gandhimathi

ORDER

This petition has been filed seeking direction to withdraw the case pending in Crime No.12 of 2019 from the file of third respondent and transfer the same to the file of the second respondent with the direction to conduct further investigation and to file charge sheet in accordance with law within the period that may be stipulated by this Court.

2. The petitioner being an accused cannot seek for transfer of investigation.



3. The learned counsel for the petitioner would submit that the second respondent conducted enquiry and ordered for departmental proceedings as against the Inspector of Police and it is pending and therefore she will not get fair investigation if the same officer conduct the investigation.

4. The learned Additional Public Prosecutor would submit that now the said officer has been transferred and new officer has taken charge of the third respondent police station and the investigation is pending.

5. Considering the above, transfer of investigation cannot be ordered as requested by the petitioner. However the third respondent is directed conduct investigation and complete the same as expeditiously as possible and the second respondent is directed to monitor the investigation done by the third respondent.

6. With the above direction, the Criminal Original Petition stands disposed of

Sd/-

Assistant Registrar (As)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Superintendent of Police,
Trichy District,
Trichy.
2. The Additional Superintendent of Police
Trichy District, Trichy.
3. The Inspector of Police,
Anti-land Grabbing Cell,
District Crime Branch,
Trichy District,
4. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

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RD(18.05.2022) 2P 5C