



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.05.2022
CORAM:

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

WEB COPY

Crl.O.P. (MD) .Nos.9240 & 9251 of 2022
and
Crl.M.P (MD) No.6196 of 2022

1.Sivaneshwari

2.Jeya

3.Pandi

4.Jayamani

5.Latha

6.Selvakumar

7.Vasanthi

8.Rohini

9.Pappammal

...Petitioners in both petitions

vs.

1.The Inspector of Police,
CBCID South,
Theni,
(Crime No.3/2022)

...1st Respondent/Complainant
in both petitions

2.Mr.Rishab
The Sub-Collector,
Theni District.

...2nd Respondent/Defacto
Complainant
in Crl.O.P (MD) No.9251 of 2022

2.The Deputy Superintendent of Police,
Madurai Range,
Vigilance and Anti Corruption,
Theni.

... 2nd respondent in
Crl.O.P (MD) No.9240 of 2022

PRAYER in Crl.O.P (MD) No.9251 of 2022: This Criminal Original
Petition has been filed under Section 482 of Criminal Procedure

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



Code, to direct the first respondent police not to harass the petitioners under the guise of enquiry in connection with Crime No.3/2022, on the file of the Inspector of Police, CBCID South, Theni.

PRAYER in Crl.O.P(MD)No.9240 of 2022: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to transfer the investigation in Crime No.3 of 2022, on the file of the 1st respondent to the file of the second respondent to investigate along with Crime No.2 of 2022 pending on the file of the second respondent.

For Petitioners : Mr.P.Ganapathi Subramanian
in both petitions

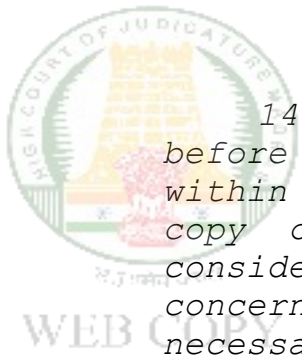
For Respondents : Mr.M.Sakthikumar
Government Advocate
for R1 & R2 in Crl.OP(MD).9240/2022
for R1 in Crl.OP(MD).9251/2022

C O M M O N O R D E R

Crl.O.P(MD)No.9240 of 2022 has been filed by the petitioners to transfer the investigation in Crime No.3 of 2022 from the file of the first respondent to the file of the second respondent and to investigate the same along with Cr.No.2 of 2022, pending on the file of the second respondent.

2. The learned Government Advocate (Crl.side) appearing for the respondents 1 & 2 would submit that already the petitioners have filed anticipatory bail application before this Court in Crl.O.P(MD) No.2783 of 2022 and this Court passed the following order:-

"13. Considering the above facts and circumstances and also the fact that the main accused Annaprakash is in judicial custody and more importantly since the petitioners are not made as accused as of now and the respondent has issued summons to the petitioners, this Court is of the view that the petitioners are to be directed to appear before the respondent police for enquiry in pursuance of the summons issued to them with all available records and after enquiry, the petitioners may be arrested, if necessary, after getting necessary permission from the concerned Judicial Magistrate Court, for custodial interrogation. The respondent police is further directed to take into account the age and health of the 9th petitioner at the enquiry.



14. The petitioners are hereby directed to appear before the respondent police with all available records within a period of ten days from the date of receipt of a copy of this order and the respondent police, after considering the records, shall get permission from the concerned Judicial Magistrate and arrest them, if necessary, for custodial interrogation. In case, if the petitioners fail to appear before the respondent police in pursuance of the directions of this Court, the respondent police is at liberty to proceed against the petitioners in accordance with law."

3. Aggrieved against the said order, the petitioners have filed Special Leave Petition before the Hon'ble Supreme Court of India in Special Leave to Appeal (Crl.)No.2357 of 2022. The Hon'ble Apex Court by order, dated 04.04.2022 dismissed the appeal by confirming the order of this Court. Thereafter, the petitioners filed this petition to transfer the investigation in order to escape from the conditions imposed by this Court. If really, the petitioners are aggrieved by the investigation, they ought to have file the application to transfer the investigation even prior to filing of the anticipatory bail. The conduct of the petitioners show that to avoid the conditions imposed by this Court in the earlier order, they filed the transfer application, which should not be encouraged. More over, the Hon'ble Supreme Court also has dismissed the appeal by confirming the order of this Court and hence, this Court need not be interfered with the order of the Hon'ble Apex Court.

4. Considering the facts and circumstances of the case and also considering the conduct of the petitioners, this petition in Crl.O.P (MD)No.9240 of 2022 is dismissed as devoid of merits. The petitioners are directed to comply with the earlier condition imposed by this Court on 18.02.2022 within a period of two weeks from the date of receipt of a copy of this order.

5. In view of the order passed in Crl.O.P(MD)No.9240 of 2022, the petition in Crl.O.P(MD)No.9251 of 2022 is dismissed as unnecessary. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar
(Vacation Officer)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)



To

- 1.The Inspector of Police,
CBCID South,
Theni.
- 2.The Deputy Superintendent of Police,
Madurai Range,
Vigilance and Anti Corruption,
Theni.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Cr1.O.P. (MD) .Nos.9240 & 9251 of 2022
18.05.2022

SA(27.05.2022) 4P 4C