



Crl.O.P.(MD) No.11922 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11922 of 2022

V.Vijayakumar

... Petitioner

Vs

1. The Director General of Police,
Post Box No.601,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 4.
2. The Superintendent of Police,
O/o. the Superintendent of Police,
Madurai,
Madurai District.
3. The Superintendent of Police,
Thanjavur.
4. The Deputy Superintendent of Police,
Natham Road,
Oomachikulam,
Madurai – 625 104.
5. The Deputy Superintendent of Police,
O/o Deputy Superintendent of Police,
Thanjavur District.



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6. The Inspector of Police,
All Women Police Station,
Thanjavur.

7. The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.
(Crime No.33 of 2022)

8. Swetha ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to issue a direction to transfer the investigation pending before the fourth respondent in Crime No.33 of 2022 on the file of the Othakadai Police Station to the Deputy Superintendent of Police, Thanjavur within the time stipulated by this Court for further investigation.

For Petitioner : Mr.N.Manoharan

For R1 to R7 : Mr.R.Suresh Kumar
Government Advocate (Crl.Side)

For R8 : Mr.V.P.Rajan

ORDER

This Criminal Original Petition has been filed to issue a direction to transfer the investigation pending before the fourth respondent in Crime No. 33 of 2022 on the file of the Othakadai Police Station to the Deputy Superintendent of Police, Thanjavur within the time stipulated by this Court for further investigation.

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2. The learned counsel for the petitioner submitted that the petitioner is the husband and the eighth respondent is the wife. Due to difference of opinion, a dispute arose between the husband and wife. In this regard, she gave a complaint against this petitioner before the seventh respondent Police. The 7th respondent police registered a case in Crime No.33 of 2022 for the offences under Sections 294(b), 323, 406, 420 I.PC and 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and forwarded the same to the fourth respondent for enquiry as per direction of the second respondent. Hence, the petitioner seeks direction to transfer the investigation from the file of the fourth respondent to the Deputy Superintendent of Police, Thanjavur ie., fifth respondent.

3. The learned Government Advocate (Crl Side) appearing for the respondents 1 to 7 submitted that the 8th respondent has given complaint against the petitioner. The petitioner's wife/ 8th respondent was harassed and tortured by the petitioner and he insisted to return the jewels which belongs to him. Hence, the case has been registered and the investigation is under progress.



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4. Mr.V.P.Rajan, learned counsel for the 8th respondent submitted that though the 8th respondent is not living with the petitioner and due to harassment made by the petitioner, the 8th respondent came back to her parents house and gave a complaint against the petitioner, and it is under investigation.

5. I have considered the matter in the light of the submissions made by both sides.

6. It is seen from the records that the petitioner is the husband of the 8th respondent. Further, due to difference of opinion between the petitioner and the 8th respondent, they are living separately. The petitioner is living at Thanjavur and the 8th respondent is living at Madurai. She gave a complaint to the seventh respondent police and it was registered in Crime No. 33 of 2022 and forwarded to the fourth respondent as per the direction of the second respondent and the case is under investigation before the fourth respondent. The grievance of the petitioner is that the fourth respondent police repeatedly called the petitioner over phone and harassed him.



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7. The learned Government Advocate submitted that the petitioner is not coming for an enquiry and not cooperating with the investigation. Hence, he was called over phone for enquiry.

8. In these circumstances, this Courts finds that no substantial material has been placed to transfer the investigation from the file of the fourth respondent to the fifth respondent and the apprehension expressed by the petitioner is not supported in any way. Thereby, this Court finds no merit in this petition.

9. Hence, this Criminal Original Petition is dismissed.

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Internet: Yes./No
Index: Yes/no
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7. The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.
8. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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