

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.16003 of 2022

Raghuvaran

...Petitioner

VS

- 1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Deputy Superintendent of Police,
CBCID, Madurai Range,
Madurai.
- 3.The Deputy Superintendent of Police,
Srivilliputtur,
Virudhunagar District.
- 4.The Inspector of Police
Srivilliputtur Town Police Station,
Virudhunagar District.
In Crime No.308 of 2022
- 5.The Inspector General of Police,
South Zone, Madurai.

(R5 has been impleaded as *suo motu* by this Court
vide order dated 20.09.2022.)

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to transfer the investigation in the case in Crime No.308 of 2022 from the 4th respondent to the 2nd respondent or any other investigation agency.

For Petitioner : Mr.M.Jothi Basu
For Respondents : Mr.R.Sivakumar
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to transfer the investigation in Crime No.308 of 2022 from the file of fourth Respondent to the file of second Respondent.

2.The learned Counsel for the Petitioner submits that the Petitioner is the husband of one Simka. The Petitioner belongs to MBC community and his wife, who is the B.E., graduate, belongs to SC community. The Petitioner is working as a Manager in a private concern. His wife is also employed in a private concern.

3.While so, on 21.07.2022, at about 08.30 pm., when the Petitioner and his wife were in their home, some members of the family of Simka along with rowdy elements with an intention to abduct her took her by

force. The Petitioner was also attacked with deadly weapons by the accused persons, Antony, Jeganathan and Stephan, who were along with the Petitioner suffered injuries. They had lodged the complaint on 22.07.2022, based on which the FIR in Crime No.308 of 2022 was registered by the 4th Respondent. Subsequently, the Petitioner filed HCP.No.1252 of 2022 before this Court. In the Habeas Corpus Petition, the wife of the Petitioner, Simka was produced. The Division Bench of this Court enquired about the case. Based on the submission made by the learned Counsel for the Petitioner and the learned Additional Public Prosecutor before the Division Bench, the Division Bench of this Court had passed the following order.

*“7.We are constrained to place on record the aforesaid statement and apprehensions of Simka. We direct the Superintendent of Police, Virudhunagar District/first respondent to ensure that no harm befalls both Simka and the petitioner and as directed by the Hon'ble Supreme Court in the case of **Lata Singh v. State of Uttarpradesh and another [(2006(5)SCC475)]**, intercaste marriages have to be encouraged and police is required to give such couples complete protection against honour killing.*

8.Simka further submitted that her parents have retained her 4 mobile phones, which contained all information about her business without which she would find it very difficult to run her business.

9.We direct the police to look into it and do the needful in this

regard. The second respondent/Deputy Superintendent of Police, shall monitor the investigation in Crime No.308/22. Further, Simka is set at liberty to go with the petitioner.

10.With the above directions, this Habeas Corpus Petition stands closed.”

4.In spite of the order passed by the Division Bench of this Court, the FIR was pending with the Respondents. It is the contention of the Petitioner that investigation had not proceeded fairly. Therefore, he seeks transfer of the case from the file of the fourth Respondent to the file of second Respondent.

5.The learned Government Advocate (Crl.side) for the Respondents would submit that subsequent to the registration of the case, 13 persons had been arrested. The parents of the Petitioner's wife had moved anticipatory bail before this Court in Crl.O.P.(MD) No.15155 of 2022 and during the pendency of the anticipatory bail petition, the learned single Judge of this Court had referred the matter to mediation. He would further submit that 13 persons were arrested, out of them two persons are juveniles, had moved bail before the Sessions Court and they had been released on bail.

6.It is the further submission of the Government Advocate (Crl.side) that the investigation is on the right path. He vehemently objects to transfer the case to any other agency. On the earlier hearing, 12.09.2022, the learned single Judge of this Court had directed the Respondents 3 and 4 to appear before this Court along with CD file. In compliance of the same, they had appeared today, 20.09.2022 along with CD file.

7.Perused the CD file produced by the Investigation Officer. The third Respondent/the Deputy Superintendent of Police, Srivilliputtur, Virudhunagar District, is present in Court today, 20.09.2022. On Perusal of the CD file, it is found that the statement of Antony, Jeganathan and Stephan had been recorded under Section 161 Cr.P.C. To the query of this Court regarding the statement of the victim, the Investigation Officer submitted that the victim's statement is also recorded.

8.Further, it is found that the FIR had been altered considering the fact that the offence under Section 379 IPC had been included regarding cash, which was taken away from the victim. Further, the learned Counsel for the Petitioner submits that four mobile phones had been taken away

from the Petitioner and his wife at the time of attack. The same had not been recovered so far.

9.For the purpose of issuing direction, the Inspector General of Police, South Zone, Madurai is *suo motu* impleaded as fifth Respondent in this Petition. The Investigation Officer/the fourth Respondent is directed to recover and produce the mobile phones before the Court concerned. The fifth Respondent/the Inspector General of Police, South Zone, Madurai is directed to supervise the investigation of this case.. The Investigation Officer is also directed to complete the investigation within a period of three months from the date of receipt of a copy of this order, file the final report before the Court concerned and to arrest the persons mentioned in the FIR. The Petitioner is at liberty to approach this Court as and when need arises.

10.With the above directions, this Petition stands disposed of.

Internet:Yes./No
Index:Yes/No
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20.09.2022

To

- 1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Deputy Superintendent of Police,
CBCID, Madurai Range,
Madurai.
- 3.The Deputy Superintendent of Police,
Srivilliputtur,
Virudhunagar District.
- 4.The Inspector of Police
Srivilliputtur Town Police Station,
Virudhunagar District.
- 5.The Inspector General of Police,
South Zone, Madurai.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SATHI KUMAR SUKUMARA KURUP, J.

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