



Crl.O.P.(MD) No.17589 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.11.2022

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.17589 of 2022

Solomon

...Petitioner

VS

1. The Director General of Police
Dr.Radhakrishnan Salai,
Mylapoor
Chennai 600 004.
2. The Additional Director General of Police
CBCID, SIDCO Electronics Complex,
1st Floor, Guindy
Chennai 600 032.
3. The Inspector General of Police
South Zone
No.1, New Natham Road
Bibikulam, Madurai 625 002.
4. The Superintendent of Police
Thoothukudi District
5. The Inspector of Police
Tiruchendur Taluk Police Station
Tiruchendur, Thoothukudi District

...Respondents



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(R3 is *suo motu* impleaded vide order of this Court, dated 08.11.2022 and the original respondents are re-arranged accordingly)

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PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the second Respondent to withdraw the case in Crime No. 319 of 2021 on the file of the fourth Respondent and entrust the same to the third Respondent for investigation of the case by a competent officer and file a final report before the concerned jurisdictional Magistrate within the time stipulated by this Court.

For Petitioners : Mr.V.Rajiv Rufus
For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the second Respondent to withdraw the case in Crime No.319 of 2021 on the file of the fourth Respondent and entrust the same to the third Respondent for investigation of the case by a competent officer and file a final report before the concerned jurisdictional Magistrate within the time stipulated by this Court.



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2. The learned Counsel for the Petitioner invited the attention of this Court to the contents in the complaint preferred by the Petitioner's wife to the Superintendent of Police. Based on which the Superintendent of Police in his proceedings nominated the fourth Respondent to conduct investigation. It is the further submission of the learned Counsel for the Petitioner that as per the complaint the case was investigated and it was found that the officials of Valasaravakkam Police Station have kidnapped and detained the Petitioner. It is the further submission of the learned Counsel for the Petitioner that for money dispute involving the Petitioner's brother the Petitioner was kidnapped from Thoothukudi to Chennai by the police officials of Valasaravakkam Police Station at the instance of one Sivakumar Nair. Since the accused in the said case were police officials and the fourth Respondent is also the Inspector of Police, the Investigation is not conducted fairly. Therefore he seeks to transfer the investigation from the file of the fourth Respondent to any other investigating agency.

3. The learned Additional Public Prosecutor objected to line of argument of the learned Counsel for the Petitioner stating that the First Information Report itself states that the Petitioner was granted bail in a case



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registered based on the direction of the learned Judicial Magistrate, Poonamallee, based on which the alleged occurrence had taken place. The Petitioner is also facing criminal action. Whiles, he has approached this Court seeking transfer of the case only to escape from the earlier case.

4. The learned Counsel for the Petitioner by way of rejoinder submitted that it is case of kidnapping. Earlier based on direction of the Court, the fourth Respondent had registered the case. Only to subsequently escape from the criminal action the Respondents had moved the Court of the learned Judicial Magistrate and registered a case. Therafter both are different.

5. The Inspector General of Police, South zone, Madurai is *suo motu* impleaded as third respondent, considering the subject matter of the adjudication.

6. Considering the rival submission, the Inspector General of Police, South Zone, Madurai is *suo motu* impleaded as party in this case. The Inspector General of Police, South Zone, Madurai shall nominate the officer



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not below the rank of the Deputy Superintendent of Police to investigate the case, since the police officials are involved from Chennai and the investigation may not be conducted fairly by the fourth Respondent.

7. The Additional Public Prosecutor would submit that eight witnesses have been examined in this case.

8. Since the apprehension of the Petitioner is found reasonable, the Inspector General of Police, South Zone, Chennai shall nominate the officer not below the rank of the Deputy Superintendent of Police who shall conduct the investigation in Crime No.319 of 2021 on the file of the fourth Respondent. The investigation in Crime No.319 of 2021 shall be withdrawn by the Inspector General of Police, South Zone, Madurai and the investigation shall be supervised by the officer not below the rank of the Deputy Superintendent of Police and he shall lay the final report before the Court concerned within a period of two months from the date of receipt of a copy of this order.



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9. With the above direction, the Criminal Original Petition is disposed

of.

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Internet: Yes./No

Index: Yes/no

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

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SATHI KUMAR SUKUMARA KURUP, J.

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