



Crl.O.P.(MD) No.18913 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.18913 of 2022

S.Syed Mohamed Sulaiman @ S.S.M.Sulaiman

...Petitioner

-VS-

**1.The Additional Director General of Police,
CBCID,
No.220, Pantheon Road, Egmore,
Chennai – 8.**

**2.The Deputy Superintendent of Police,
District Crime Branch, Nagercoil.**

**3.The Inspector of Police,
District Crime Branch, Nagercoil.**

....Respondents

**PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to transfer the investigation pending before the third Respondent
Police in Cr.No.47 of 2021 to the first Respondent.**



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For Petitioner : Mr.A.S.Abdul Kalaam Azad

For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the first and second Respondents to transfer the investigation pending before the third Respondent Police in Cr.No.47 of 2021 to the first Respondent.

2.The Petitioner claims to be a neighbor as he had filed the petition stating that the lady who is residing in the first floor, whose grant child alleged to have been given in adoption to the relatives in Kerala. It is the submission of the Petitioner that the child was born in Kanniyakumari, where the birth certificate is also furnished. While so, the relatives of the lady, grand mother of the child born had given the baby in custody of her relatives in Trivandram. In Trivandram, they had obtained a fresh birth certificate by changing the name and date of birth of the child.

3.The learned Additional Public Prosecutor submits that the case was registered, investigation also proceeded and what are all submitted by the



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Petitioner are true. After birth of the child, the mother of the child committed suicide within two weeks after the delivery of the child.

Therefore, the grand parents of the child had handed over the child to the relatives in Kerala who were residing in Bahrain. After taking custody of the child, they had obtained the birth certificate from Corporation of Trivandram. On the said birth certificate, they had obtained passport from the Regional Passport Officer, Madurai. After proceeding with the investigation up to this level, the investigation Officer obtained opinion from the legal officer of the Superintendent of Police who had obtained an opinion that since the parties had obtained birth certificate for the child born in Kanniyakumari, a fresh birth certificate also obtained in Kerala with a fictitious date. Based on that, the passport have been obtained. It is for the Kerala Police to proceed with further investigation. At that stage, investigation was stopped.

4.The submission of the learned Additional Public Prosecutor cannot at all be accepted. Considering the fact that, based on the complaint of the neighbour, who has no *locus standi* as per the learned Additional Public Prosecutor to lodge a complaint. Even though, there are circumstances to



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suspicion, the learned Additional Public Prosecutor is directed to take the investigation to its logical end after examining the witnesses from the Corporation of Trivandram and other witnesses including the Regional Passport Officer. This Court needs the status report regarding the petitioner who is before this Court.

7. With the above direction, the Criminal Original Petition stands disposed of. No costs.

31.10.2022

Internet: Yes./No
Index: Yes/no
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To

- 1.The Additional Director General of Police,
CBCID,
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Chennai – 8.
- 2.The Deputy Superintendent of Police,
District Crime Branch, Nagercoil.
- 3.The Inspector of Police,
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SATHI KUMAR SUKUMARA KURUP, J.

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