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Crl.O.P.No.13304 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.13304 of 2023

A.Anbarasi

... Petitioner

Vs.

State rep. by

1.The Commissioner of Police
Tambaram City Police,
Chennai.

2.The Assistant Commissioner of Police,
Kanathur Rang,
Tambaram City Police,
Chennai.

3.The Inspector of Police,
T18, Thazhambur Police Station,
Chennai.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 1st respondent to transfer the investigation pending in Cr.No.353 of 2022 on the file of the Inspector of Police, T18 Thazhambur Police Station, Tambaram City / 3rd respondent to the 2nd respondent for investigate the offences under SC/ST Act and thus pass such favourable orders.

For Petitioner : Mr.M.Hussaini Basha



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For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

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ORDER

This Criminal Original Petition has been filed to direct the 1st respondent to transfer the investigation pending in Cr.No.353 of 2022 on the file of the Inspector of Police, T18 Thazhambur Police Station, Tambaram City / 3rd respondent to the 2nd respondent for investigating the offences under SC/ST Act

2.The learned counsel for the petitioner submitted that on the basis of the complaint given by the petitioner First Information Report in Crime No.353 of 2022 for the offences under Section 294 (b), 506 (1) I.P.C. and Section 4 of TN Prohibition of Harassment of Women Act, 2002, was registered. However, the First Information Report allegations show that petitioner was abused using her caste name. Therefore, the First information Report ought to have been registered under the SC/ST Act.

3.In response, the learned Government Advocate (Criminal side) submitted that on the basis of the complaint given by one Shrumithi Ranjith, First Information Report was registered against the petitioner for the the offences under Section 294 (b), 324 and 506 (2) I.P.C. in Crime No.476 of



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2022 of Kelambakkam Police Station and investigation is pending.

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4.Considered the rival submissions and perused the records.

5.From the submissions made and from the First Information Report allegations in Cr.No.353 of 2022, it appears that there was a dispute in connection with engaging the petitioner for transporting the household articles of one Ranjith/accused. It is alleged in the First Information Report that petitioner is running Packers & Movers Company. The accused fixed petitioner for transporting their goods at 10.a.m. on 30.11.2022. Later, accused changed the time to 12.00 P.M. When the petitioner informed them that it is not possible for changing the time to 12.00 P.M. and the time either be scheduled at 7.00 a.m. or 2.00 P.M, the accused said to have scolded in filthy language and made criminal intimidation and therefore, the complaint was given. In the last line it was alleged that accused had scolded using the community of petitioner.

6.This Court is not in a position to understand how is that, it was possible for the accused to know the community of the petitioner when the booking was made only through phone. Trading of charges against each other



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was also over the phone. However, this Court directs the respondent to investigate all the allegations made in the complaint of the petitioner and file appropriate final report. There is no need to transfer the investigation in Cr.No.353 of 2022 on the file of the Inspector of Police, T18 Thazhambur Police Station, Tambaram City / 3rd respondent to the 2nd respondent. Third respondent can investigate the case and file appropriate final report within a period of three months from the date of receipt of copy of this order.

7. With the above direction, this Criminal Original Petition is disposed of.

15.06.2023

Internet: Yes
Index: Yes/No
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To:

- 1.The Commissioner of Police
Tambaram City Police,
Chennai.
- 2.The Assistant Commissioner of Police,
Kanathur Rang,
Tambaram City Police,
Chennai.
- 3.The Inspector of Police,
T18, Thazhambur Police Station,
Chennai
- 4.The Public Prosecutor
Madras High Court.



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G.CHANDRASEKHARAN, J.
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