



Criminal Original Petition No.20070 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.20070 of 2023

and

CrI.M.P.No.13597 of 2023

Shaik Kaleem
W/o.Adam Mohideen

...Petitioner

Vs

1.The Commissioner of Police,
Commissioner Office Building,
No.132, E.V.K. Sampath Salai,
Vepery, Chennai - 600 007.

2.Inspector of Police,
Central Crime Branch, EDF-II, Team 4,
Commissioner Office Building,
No.132, E.V.K. Sampath Salai,
Vepery, Chennai - 600 007.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the first respondent to transfer the investigation in Crime No.10/2022 dated 18.01.2022 from the second respondent to the officer not below the rank of Deputy Commissioner of Police.



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For Petitioner : Mr.A.Rajamohamed

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for transfer of investigation in Crime No.10 of 2022 on the file of second respondent to some other officer not below the rank of Deputy Superintendent of Police.

2. Heard Mr.A.Rajamohamed, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents.

3. Learned counsel for petitioner submitted that in the present case, it is the petitioner, who is the actual victim and that the petitioner is being targeted by the *de facto* complainant with the active assistance rendered by the Investigating Officer. Learned counsel submitted that sufficient materials have been placed before the second respondent in order to show that it is the petitioner, who is the victim and in spite of the same, the



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Investigating Officer is threatening the petitioner and is bent upon proceeding against the petitioner with the help of *de facto* complainant.

4. Learned Additional Public Prosecutor, on instructions, submitted that the stand taken by the petitioner and also the materials that were placed by the petitioner have been taken into consideration by the Investigating Officer. Learned Additional Public Prosecutor submitted that the Investigating Officer is now awaiting the FSL report and on receipt of the same, the final report will be finalised and it will be filed before the jurisdictional Court.

5. In the considered view of this Court, the petitioner has already taken a stand and in fact given a complaint against the *de facto* complainant and has also submitted all the relevant materials before the Investigating Officer. The petitioner is only expecting a fair investigation in this case. In view of the same, the Investigating Officer will carefully assess the materials that have been placed and also the other facts and circumstances



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and come to a conclusion and shall ensure that there is a fair investigation in this case. Except giving this clarity, there is no need for this Court to transfer the investigation at this stage, more particularly, when such a petition has been filed by the accused person. Ultimately, the final report or the closure report, as the case may be, that is going to be filed in this case only reveal as to whether the investigation has been carried out in a fair manner. The same shall be kept in mind by the investigating officer and he shall proceed further in this case. This process shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

Accordingly, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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2. Inspector of Police,
Central Crime Branch, EDF-II, Team 4,
Commissioner Office Building,
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Vepery, Chennai - 600 007.
3. The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH, J



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