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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.28400 of 2022

Veeralakshmi

Petitioners

vs.

1.State rep. by
The Inspector of Police,
All Women Police Station
St. Thomas Mount, Chennai City.
(Crime No.7 of 2019)

2.The State rep. by
The Inspector of Police,
All Women Police Station,
Tenkasi, Tirunelveli District.
(Crime No.6 of 2017)

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to order to withdraw the investigation of the case in Cr.No.7/2019 on the file of the 1st respondent and transfer the same to the 2nd respondent for further investigation of the case.

For Petitioners : Mr.S.Senthilkumar

For Respondent : Mr.A.Gopinath
Government Advocate (Criminal Side)



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ORDER

This criminal original petition has been filed for transferring the investigation in Crime No.7 of 2019 from the file of the 1st respondent to the file of the 2nd respondent and to further direct the 2nd respondent to conduct further investigation in this case.

2.Heard Mr.S.Senthilkumar, learned counsel appearing on behalf of the petitioner and Mr.A.Gopinath, learned Government Advocate (Crl. Side) appearing on behalf of the respondents.

3.The petitioner had filed a similar petition before the Madurai Bench in CrI.O.P.(MD)No.5927 of 2018, seeking for the transfer of the case from the file of the All Women Police Station, Guindy to the file of All Women Police Station, Thenkasi. This criminal original petition was disposed of by an order dated 13.04.2018 and for proper appreciation, the entire order is extracted hereunder:

It is an application seeking a direction to the first respondent to withdraw the case in Crime No. 6 of 2017 registered by the second respondent, now pending on the file of the third respondent and to retransfer the same to the file of the second respondent for investigation.



2. Heard the learned counsel appearing for the petitioner.

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3. The learned Government Advocate (Crl. Side) appearing for the respondents submitted that based on the order passed by the Commissioner of Police, Chennai, the case was transferred to the file of the third respondent Police.

4. The first respondent Police is directed to serve copies of memorandum dated, 13.01.2018 issued by the Commissioner of Police, Chennai, and also copies of the proceedings referred to therein. It is open to the petitioner to question the same. With this liberty, this Criminal Original Petition is closed.

4. It is clear from the above that the petitioner was given liberty of challenging the proceedings of the Commissioner of Police dated 13.01.2018, transferring the investigation from All Women Police Station, Thenkasi. Admittedly, the petitioner has not chosen to challenge the proceedings of the Commissioner of Police dated 13.01.2018.

5. The present petition has been filed for a similar prayer by concealing the earlier petition filed before the Madurai Bench and the order passed therein. Hence, this petition lacks merits. The petitioner has not approached this Court by pleading all the material facts and an important fact has been concealed by the petitioner.



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6. Apart from the above, this Court also went through the subsequent proceedings of the Commissioner of Police, whereby, the case is now pending investigation on the file of the All Women Police Station, St. Thomas Mount, Chennai. The investigation is pending due to the pendency of this petition.

7. It is left open to the 1st respondent viz., the Inspector of Police, All Women Police Station, St. Thomas Mount, Chennai to proceed further with the investigation in Crime No.7 of 2019 and complete the same and file a final report or a closure report, as the case may be, before the concerned jurisdictional Court, within a period of four months from the date of receipt of a copy of this order.

8. This Criminal original petition is disposed of with the above directions.

04.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
ssr



To

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1. The Inspector of Police,
All Women Police Station
St. Thomas Mount, Chennai City.
2. The Inspector of Police,
All Women Police Station,
Tenkasi, Tirunelveli District.
3. The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH., J.

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