



WEB COPY



Crl.O.P.(MD)No.17580 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23/11/2023

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.17580 of 2023

R.Sanmugavalli : Petitioner/De-facto
Complainant

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai.

2.The Assistant Commissioner of Police,
Anna Nagar Circle,
Madurai.

3.The Inspector of Police,
Anna Nagar Police Station,
Madurai City.
(In Crime No.251 of 2023) : Respondents

PRAYER:-Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to transfer the investigation in Crime No.251 of 2023 on the file of the 3rd respondent/Anna Nagar Police Station or some other independent investigation agencies within the time stipulated by this court.

For Petitioner : Mr.S.Ramasundarvijayraj

For Respondents : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)



Crl.O.P.(MD)No.17580 of 2023

O R D E R

WEB COPY

This criminal original petition has been filed seeking transfer of the investigation on the file of the 3rd respondent to some other independent investigation agencies.

2.The facts in brief:-

The petitioner lodged a complaint stating that on 29/04/2023 along with her daughter was returning to her house in auto from Vikram hospital. They were dropped near Akshaya Coffee Shop. At that time, her bag found missing. 16 sovereigns of gold jewels were kept in her bag. On the basis of the complaint given by the de-facto complainant, a case in Crime No.251 of 2023 was registered for the offence under section 379 of IPC.

3.Even though the case was registered, on 01/05/2023, no proper action is taken so far. The driver of the auto in which they travelling were only identified. So she filed this petition seeking transfer of the investigation to some other agency.

4.Heard both sides.



WEB COPY



Crl.O.P.(MD)No.17580 of 2023

5.Perusal of the CD file shows that the auto driver was summoned by the Investigating Officer. One Karthikeswari, who is the wife of the auto driver was also summoned. During her statement, she has stated that on 29/04/2023, actually they saw the bag in which they found some tablets. After taking the tablets, they threw the bag near Arapalayam Bus Stand. They did not find any jewels in that bag. She promised to cooperate with the process of investigation at any time. The very same statement was given by husband Marimuthu.

6.The Investigating Officer is present before this court and he has not given reasonable explanation for letting them without any proper further explanation. When the person summoned has admitted that they took the bag, the investigation ought to have been taken in that direction to find out how the jewels went to missing. Apparently, they are responsible for giving proper explanation. The explanation offered, during the course of enquiry is unreasonable and unacceptable and does not answer the logical question also. So the apprehension of the petitioner that she will not get fair justice at the hands of the third respondent herein is found to be reasonable and genuine also.



WEB COPY



Crl.O.P.(MD)No.17580 of 2023

7.On that ground, the investigation is ordered to be taken over by the Assistant Commissioner of Police, Anna Nagar Circle, Madurai, the second respondent herein.

8.In the result, this criminal original petition is **allowed**. The Assistant Commissioner of Police, Anna Nagar Circle, Madurai, the 2nd respondent herein is directed to take up the further investigation in a proper manner and complete the same within a period of five months from the date of receipt of a copy of this order without being influenced by any of the findings recorded by the 3rd respondent herein. The 2nd respondent herein during the course of the investigation, may be taken up from the initial stage itself.

23/11/2023

Index:Yes/No
Internet:Yes/No
er



CrI.O.P.(MD)No.17580 of 2023

WEB COPY

To,

- 1.The Director General of Police,
Office of the Commissioner of Police,
Madurai.
- 2.The Assistant Commissioner of Police,
Anna Nagar Circle,
Madurai.
- 3.The Inspector of Police,
Anna Nagar Police Station,
Madurai City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD)No.17580 of 2023

G.ILANGOVAN, J

er

CrI.OP (MD) No.17580 of 2023

23/11/2023