



Crl.O.P.No.1359 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.08.2024

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.1359 of 2023

Thajudeen.

... Petitioner/Accused No.4

/versus/

1. The Deputy Superintendent of Police,
Crime Branch, CID,
Egmore, Chennai.

2. State by,
The Inspector of Police,
W15, All Women Police Station,
Royapuram, Chennai.

... Respondents

Prayer: Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, to transfer the investigation pending in Crime No.10 of 2022 on the file of the 2nd respondent police and transfer the same to the Crime Branch CID (CBCID) or to any other competent agency and pass orders.

For Petitioner : No appearance

For Respondents : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

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ORDER

This Criminal Original petition is filed to transfer the investigation pending in Crime No.10 of 2022 on the file of the 2nd respondent police to the Crime Branch CID (CBCID) or to some other competent agency on the ground that the 2nd respondent had not properly investigated the case and threat to his life not been taken note by the Investigating Officer.

2. In a matrimonial dispute, the defacto complainant in connivance with police had converted the case of simple cruelty into attempt murder and breach of trust by altering the complaint from Sections 294(b), 498(A), 506(i) r/w 34 of I.P.C to Sections 294(b), 498(A), 324, 307, 406, 506(ii) r/w 34 of I.P.C without any substantive material evidence. Also to harass the accused persons, look out circular was issued against A1 and he was arrested and remanded to judicial custody. Hence, alleging that they have lost hope on the 2nd respondent, the present petition to transfer of investigation to some other agency is filed.



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3. The Government Advocate (Crl.Side) for the respondent submits that since there was material to alter the charge, Sections were altered and reported to the Judicial Magistrate and further submits that, investigation is completed, within 45 days they will file the final report. Taking note of the fact that though the dispute has arisen out of matrimonial discord, there is no reason to eliminate the allegation of attempt murder and breach of trust.

4. The Investigating Officer from the material collected during the course of investigation has altered the charge. It is for the trial Court to consider the veracity of the information to decide whether to proceed against the accused for the said charges or not. For transferring the investigation to some other agency other than C.B.C.I.D, this Court finds no valid reason.

5. Hence, this Criminal Original Petition is dismissed.

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Index :Yes/No.
Internet :Yes/No.

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Copy to:-

1. The Deputy Superintendent of Police, Crime Branch, CID, Egmore, Chennai.
2. The Inspector of Police, W15, All Women Police Station, Royapuram, Chennai.
3. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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