



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.654 of 2024

A.S.Ushakumari

...Petitioner/De facto Complainant

.Vs.

1.The District Superintendent of Police
Krishnagiri District.

2.The Inspector of Police
Town Police Station
Hosur, Krishnagiri District.

3.The Inspector of Police
CBCID
Krishnagiri District.

...Respondents/Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to transfer the investigation in Crime No.250 of 2014, on the file of the 2nd respondent police to the 3rd respondent.

For Petitioner : Mr.S.Mohamed Abbas

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This petition has been filed seeking for transfer of investigation in
Crime No.250 of 2014, pending on the file of the 2nd respondent to any other



investigation agency.

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2. When the matter was taken up for hearing today, a status report was filed by the 2nd respondent. The relevant portions are extracted hereunder:

3. It is submitted that based on the above complaint, a case was registered in Hosur Town Police Station, Cr.No.250 of 2014, u/s.379 IPC against unknown person on 26.5.2014 at about 11.00 hours by Tr.Sivan, the then Special Sub Inspector of Police and submitted before the then Inspector of Police for further investigation.

4. It is submitted that during the course of investigation, the then Inspector of Police have examined the de facto complainant and other witnesses and recorded their statements.

5. It is submitted that the complainant lodged a complaint after 5 months the occurrence happened. So the respondent police could not able to identify the place of occurrence and there is no CCTV footage is there. So the respondent police is not able to identify the accused.

6. It is submitted that as per the instruction of learned Judicial Magistrate Court No.II, Hosur, the then Inspector of Police closed the Cr.No.250 of 2014 in u/s.468 Cr.PC as "Further Action Dropped" on 30.11.2017 and R.C.S notice was served to the de facto complainant.

7. It is submitted that the petitioner/de facto complainant filed a direction petition before this Hon'ble High Court seeking to transfer the investigation in Crime No.250 of 2014 on the file of the 2nd respondent police to the 3rd respondent. When the matter came up for hearing on 9.12.2022, this High Court passed the

following order:



"4. There is option available under Section 473 Cr.PC to approach the concerned learned Judicial Magistrate for seeking extension of period of limitation even if the FIR is closed. Therefore, the respondent police are advised to investigate the case effectively and file a final report invoking section 473 Cr.PC. It is upto the petitioner, if she is so advised, to challenge the closure of FIR under section 468 Cr.PC".

8. It is submitted that after received the order, the respondent police took sincere and effective steps to secure the accused. But the respondent police not able to identify the accused persons.

9. It is submitted that now the petitioner/Defacto complainant filed this present petition before this Hon'ble High Court of Madras to transfer the Cr.No.250 of 2014 on the file of the Inspector of Police, Hosur Town Police Station to 3rd respondent.

10. It is submitted that the respondent police registered the case, investigated and the same in a free, fair and impartial manner. The complainant informed the respondent police station after 5 months, so the respondent police could not able to identify the accused. Based on the order of the learned Judicial Magistrate Court the respondent police closed this case as "Further Action Dropped". Hence, for the reasons stated above, I vehemently oppose this petition seeking for transfer the case against the petitioner/De facto complainant.

3. It is clear from the above that even earlier, the petitioner had approached this Court seeking for transfer of investigation. Even at that point

of time, it was brought to the notice of this Court that the final report was



closed as barred by limitation under Section 468 Cr.PC. Hence, this Court advised the petitioner to challenge the closure report under Section 468 Cr.PC.

However, the petitioner has chosen to once again file a petition for transfer of investigation.

4.No useful purpose will be served in transferring the investigation at this stage. It is more than 10 years, since the FIR was registered and there has been absolutely no development in this case. Even earlier, the final report was not taken on file since it was barred by limitation. It was not put to challenge by the de facto complainant. Therefore, keeping the investigation pending will only tantamount to whipping a dead horse. Hence, this Court is not inclined to keep the proceedings pending any longer and this criminal original petition is closed.

5.Accordingly, this criminal original petition is closed.

19.02.2024

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

- 1.The District Superintendent of Police
Krishnagiri District.
- 2.The Inspector of Police
Town Police Station
Hosur, Krishnagiri District.
- 3.The Inspector of Police
CBCID
Krishnagiri District.
- 4.The Public Prosecutor,
High Court of Madras,
Madras.



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N.ANAND VENKATESH.J.,

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