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CrI.O.P.No.5832 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P No.5832 of 2024

Mrs.R.Kalpana

...Petitioner

Vs.

1. State Represented by
The Commissioner of Police,
Avadi Commissionerate Building,
Avadi, Chennai 600 054

2. The Inspector of Police,
All Women Police Station,
Mangadu, chennai.

..Respondents
1 and 2

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to transfer the investigation in Crime No.11/2023 pending on the file of SRMC All Women Police station, Mangadu Chennai to some other competent agency and further direct them to file final report within a stipulated period.

For Petitioner : Mr.MA Mathew Berchmans

For Respondents : Mr.A.Damodaran, APP



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ORDER

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This petition has been filed seeking for transfer of investigation in Crime No.11 of 2023 pending on the file of the 2nd respondent.

2. The main grievance that has been expressed by the petitioner is that the investigation has not been effectively carried out by the 2nd respondent and inspite of the specific allegation made against the family members of the husband, their names have not been added as accused in this case. Therefore, the petitioner has lost confidence in the 2nd respondent. Hence, the present transfer petition has been filed seeking for transfer of investigation.

3. The learned Additional Public Prosecutor appearing on behalf of the respondents submitted that the respondent had filed a anticipatory bail petition which was subsequently withdrawn and thereafter, a notice under Section 41A of Cr.PC has been served on the accused person and his family members and all their statements have been recorded. The learned Additional Public Prosecutor submitted that the investigation is carried out



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by the 2nd respondent in an effective manner and that a final report will be filed within a period of four weeks.

4. In the considered view of this Court just because the names of the family members have not been added as accused in this case, that does not mean that the 2nd respondent is acting in a biased manner. In all matrimonial disputes, there seems to be a trend where all family members are added as an accused and thereby, many quash petitions are filed before this Court by the family members and the investigation is stalled and therefore, conscious decision has been taken by the police to initially add the husband and in the course of investigation, as and when they collect materials against the other family members, alteration report will be filed and their names will also be added as an accused. That apart, after the completion of investigation, based on the materials that are collected, the final report will be filed against those accused persons.

5. In the light of the fact that the statement of the accused person and others have also been recorded and the investigation is at its fag end, this Court does not find any necessity to transfer the investigation. It will



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suffice if a direction is given to the 2nd respondent to complete the investigation and file the final report before the concerned Court within a period of six weeks from the date of receipt of a copy of this order.

6. This Criminal Original petition is disposed of in the above terms.

11.03.2024

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

1. State:

Represented by
The Inspector of Police,
Vadaponparappi Police Station,
Villupuram District

2. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH,J

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