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Crl.OP.No.15031 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.15031 of 2024

S.Vasanthi

... Petitioner

Vs.

1. The Superintendent of Police,
Salem District.

2. State Rep. by
Inspector of Police,
Karipatty Police Station,
Karipatty, Salem District.
Cr. No.364 of 2022.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to transfer the investigation in Cr.No.364 of 2022 pending on the file of the second respondent police to the CBCID police or any other investigation agency.

For Petitioner : Ms.T.Sundaravadanam

For Respondents : Mr.K.M.D. Muhilan
Government Advocate (Crl.side)



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ORDER

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2. Though the respondent has registered FIR in Crime No.364 of 2022 on 23.11.2022, till date they have not taken any steps to secure the petitioner's husband Sathish kumar, who is gainfully employed in Libya. Therefore, the petitioner has sought for transfer of investigation.

3. The Inspector of Police has filed the action taken Report wherein he has stated that investigation in the matter was completed on 05.07.2024 and the final report filed showing the accused Sathish Kumar as an absconder. Also he has stated that necessary action has been taken to issue a look out notice for the accused to facilitate his arrest upon arrival in the territory of India.

4. From the reading of the status report, this Court could easily



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understand that the respondent Police has not conducted any investigation in Crime No.364 of 2022 which has been sleeping over for two years. After filing of the petition to transfer the investigation, the Inspector of Police thought it fit to file a final report showing the accused as absconding without making any attempt to secure him. In the status report, the Inspector has stated that he will take necessary action to secure the accused. However, there is nothing to indicate for the past two years the action he has taken to secure the accused. Furthermore, the final report alleged to have been filed on 05.07.2024 appears to be to avoid order of this Court transferring the investigation to some other competent person, who will be fit to investigate the case.

5. The status report does not even indicate the filing number of the final report and before which Court it has been presented. The affidavit of Inspector of Police, Karipatty, exposes the inaction of the officer in not investigating Crime No.364 of 2022 in the manner known to law. It is appropriate case to transfer the case to CBCID forthwith. The Inspector attached to CBCID shall immediately take steps to secure the husband of the Defacto Complainant/petitioner and file final report after proper investigation.



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6. The first respondent herein shall withdraw the investigation from the second respondent and the Commissioner shall take necessary steps to transfer the investigation to CBCID and entrust it to any competent Inspector of Police attached to CBCID with instructions that he should secure the accused and complete the investigation within a period of three months.

7. Accordingly, the Criminal Original Petition is allowed.

12.08.2024

jv

Index: Yes/No

Internet: Yes/No

To

1. The Superintendent of Police,
Salem District.

2. The Inspector of Police,
Karipatty Police Station,
Karipatty, Salem District.

3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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Dr.G.JAYACHANDRAN,J.

jv

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