



CrI. O.P. No.22268 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

CRL. O.P. No.22268 of 2022

K. Govindasamy

... Petitioner

VS.

1. The Commissioner of Police,
Salem City,
Salem.

2. The Deputy Superintendent of Police,
Sooramangalam Sub-Division,
Salem District.

3. The Inspector of Police,
Salem Town Police Station,
Salem City,
Salem,
Crime No.615 of 2021.

4. The Inspector of Police,
Pallapatty Police Station,
Salem City, Salem District.
Crime No.59 of 2022.

5. Sarankumar

... Respondents

Criminal Original Petition filed under Section 482 of Criminal Procedure Code to transfer the investigation with respect of the Crime



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No.59/2022 pending on the file of the 4th respondent to any other investigating agency and consequently direct them to proceed with investigation.

For Petitioner ... Mr.T. Mohanraju
for Mr.R. Nalliyappan

For Respondents ... Mrs.G.V. Kasthuri.
Addl. Public Prosecutor for R1
Mr.M. Gnanasekar for R2
Mr.S. Santhosh
Govt. Advocate (Crl. Side) for R4

ORDER

This is the petition filed by the petitioner to transfer the investigation in Crime No.59 of 2022 on the file of the 4th respondent to any other investigation agency.

2. According to the petitioner, his younger daughter, aged about 29 years was residing and working in Bangalore. While so, the 5th respondent was having a love affair with the daughter of the petitioner and thereafter she asked him to marry. The 5th respondent seems to have lived along with the daughter of the petitioner, however, he refused to marry her. Thereafter the petitioner's daughter had lodged a complaint before the All Women Police Station, Salem Town, Salem on 01.06.2021 and the same was enquired. Therefore, he convinced her and asked to come out of the home so as to enable to perform their marriage. Thereafter, the petitioner



suspected the character of the 5th respondent and instructed his daughter that he has no faith over the 5th respondent and advised her, not to go by his words. While so, the petitioner's daughter on 23.08.2021 went to Chennai to attend an interview, however, so far not returned to the house of the petitioner. The petitioner searched along with his relatives, but her whereabouts was not known and thereby, he lodged a complaint before the 3rd respondent on 02.10.2021 and F.I.R. was registered in Crime No.615 of 2021 for “Women missing case”. Subsequent to the registration of F.I.R., further based on an enquiry, it was found that the 5th respondent only called the daughter of the petitioner and hence, the 3rd respondent Police traced the call records of the petitioner's daughter and the 5th respondent. Further, it was found that while proceeding in the bus from Salem, the daughter of the petitioner attended calls of the 5th respondent and finally, both the 5th respondent and the petitioner's daughter were met in Villupuram on 24.08.2021 and thereafter the mobile phone of the petitioner's daughter was switched off. The petitioner has also filed Habeas Corpus Petition i.e., H.C.P. in 533 of 2022 seeking for issuance of appropriate directions to the 4th respondent to secure his daughter. This Court by its order dated 04.04.2022, closed the said H.C.P., by recording



the submission of the Additional Public Prosecutor, that the investigation was conducted by the 3rd respondent and based on the said investigation, it revealed that the daughter of the petitioner was eloped with the 5th respondent. Further, there was a direction to the 2nd respondent to supervise the investigation in Crime No.59 of 2022 and keep the petitioner informed of the developments, if any. In the meantime, the investigation of the case was transferred to the 4th respondent and the FIR was registered in Crime No.59 of 2022. Since, effective steps have not been taken to proceed with the investigation, the petitioner has filed this petition to transfer the investigation to some other agency.

3. Today, the learned Additional Public Prosecutor appearing for the 1st respondent submitted the status report, wherein it is stated that they have taken efforts to trace out the daughter of the petitioner, but they are unable to trace out. Still, they are in search to secure the daughter of the petitioner and therefore, they are taking steps in the instant issue.

4. The learned counsel for the petitioner would contend that the date of the registration of the F.I.R. is 2021. For the past three years, the respondent police have not taken effective steps to secure of the daughter of the petitioner and therefore the investigation of the case may be transferred



to some other agency so as to enable them to secure the daughter of the petitioner.

5. The learned Additional Public Prosecutor appearing for the 1st respondent would contend that the respondent-police have taken effective steps to secure the daughter of the petitioner and still they are searching to secure the petitioner's daughter. Therefore, the instant petition may be dismissed by accepting the status report.

6. This Court heard the learned counsel on both sides and perused the records.

7. It is an admitted fact that the daughter of the petitioner was missing and the complaint was also lodged by the petitioner in the year 2021 before the respondent police. Initially, the FIR was registered before the 3rd respondent – Salem Town Police Station in Crime No.615 of 2021 as “Women Missing”, and thereafter the case was transferred to the 4th respondent - Pallapatty Police Station and they also made effective steps to trace out the daughter of the petitioner, but they are unable to trace out. They also filed the elaborate status report about the steps taken by the Inspector of Police, to trace out the daughter of the petitioner.

8. Considering all, though effective steps have been taken by the



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respondent – police, they were unable to trace out the daughter of the petitioner as well as considering the pendency of the case from 23.09.2021, it would be appropriate to transfer the investigation from the 4th respondent to CB-CID Police, Salem. Accordingly, the 4th respondent is directed to entrust the investigation of Crime No.59 of 2022 on the file of the 4th respondent to the CB-CID police, Salem, within a period of 15 days from the date of receipt of a copy of this order. After receipt of the records of the aforesaid Crime No., the CB-CID Police are directed to investigate the matter and file a report, within a period of three months, thereafter.

9. With the said directions, this Criminal Original Petition is allowed.

23.08.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
vsi2

P. DHANABAL, J.

vsi2

To:

1. 1. The Commissioner of Police,
Salem City,
Salem.

2. The Deputy Superintendent of Police,

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Sooramangalam Sub-Division,
Salem District.

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3. The Inspector of Police,
Salem Town Police Station,
Salem City,
Salem,
Crime No.615 of 2021.

4. The Inspector of Police,
Pallapatty Police Station,
Salem City, Salem District.
Crime No.59 of 2022.

5. The Public Prosecutor,
High Court, Madras – 104.

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