



CrI.O.P.(MD) No.5824 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.5824 of 2024

B.Kumari

... Petitioner

Vs

1. The Superintendent of Police,
Palayamkottai, Tirunelveli District.

2. The Inspector of Police,
Manimuthar Police Station,
Tirunelveli District.

3. The Superintendent of Police,
CBCID, Tirunelveli District.

4. The Inspector of Police,
CBCID, Tirunelveli District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to transfer the investigation in FIR in Crime No.37/2024 pending on the file of the 2nd respondent to the 3rd and 4th respondents or to any other investigating agency.



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For Petitioner : Mr. S.Satheesh Kumar

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to transfer the investigation in FIR in Crime No.37/2024 pending on the file of the 2nd respondent to the 3rd and 4th respondents or to any other investigating agency.

2.The case of the petitioner is that due to property dispute, the accused persons have brutally assaulted the petitioner and her family members. As per the instructions of the petitioner and her husband, the said occurrence was photographed by the petitioner's daughter, who is a minor child. It is the further case of the petitioner that at that time of occurrence, the second accused has shown his private parts to her daughter. Though this would attract the offence under the provision of POCSO Act, the respondents failed to register the same. Since the first accused is an Advocate, the respondents are not conducting the investigation in a proper manner. Due to the influence of the accused persons, a false counter case



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has been foisted against the petitioner and her family members. Hence, the petitioner has approached this Court seeking transfer of investigation in Crime No.37 of 2024 from the file of 2nd respondent to any other investigating agency.

3.Considering the aforesaid submissions made by the petitioner, this Court hereby directs the first respondent/Superintendent of Police, Tirunelveli District to take a call on this issue and to find out whether the investigation is being done in a proper manner. If there is any violation, the first respondent is directed to transfer the investigation of this case from the file of 2nd respondent to any other investigating agency.

4.With the above directions, this Criminal Original Petition stands disposed of.

17.04.2024

NCC : Yes/No
Internet:Yes/No
Index:Yes/No
PNM



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Tirunelveli District.
3. The Superintendent of Police,
CBCID, Tirunelveli District.
4. The Inspector of Police,
CBCID, Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

PNM

ORDER IN
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