



Crl.O.P.(MD)No.14281 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **14.02.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

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Tamilarasi

... Petitioner

Vs.

- 1.The State represented by
the Superintendent of Police,
Superintendent of Police, Thoothukudi District.
- 2.The Superintendent of Police,
O/o. The Superintendent of Police,
Virudhunagar District.
- 3.The Inspector of Police,
Ettayapuram Police Station,
Thoothukudi District.
- 3.The Inspector of Police,
Sattur Police Station,
Sivagangai District.
- 5.Robisujin Jose,
The Inspector of Police,
Vilathikulam Crime Branch,
Vilathikulam Block,
Thoothukudi District.
- 6.The Superintendent of Police,
C.B.C.I.D,
Admiralty House,
Chennai.



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7.The Inspector of Police,
CBCID,
Thoothukudi District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to transfer the petitioner's complaint dated 03.05.2021 to the seventh respondent-CBCID for fair and proper investigation.

For petitioner : Mr.S.Vanchinathan

For R-1 to R-4,
R-6 & R-7 : Mr.B.Nambiselvan,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to transfer the petitioner's complaint dated 03.05.2021 to the seventh respondent-CBCID for fair and proper investigation.

2. The case of the petitioner is that the petitioner belongs to depressed community. The petitioner's father, viz., Raj is one of the Organizers of the Ambedkar People Movement for the past forty years with no bad antecedents. On 28.04.2021 at about 12.30 A.M., the Police officials attached with the fourth respondent, in civil dress entered into the petitioner's house and broke open the cupboard and took fifteen



sovereigns of gold. The petitioner has questioned the same. However, the fourth respondent Police officials told the petitioner to come to the Police station and produce the jewel receipt and get back the jewels. Further, the Police forcibly took the petitioner's father in the white colour car. One Sundar Raj, who is working as the Sub Inspector of Police attached with the fourth respondent police had demanded a sum of Rs.50,000/- as bribe from the petitioner and if they were not given the said amount, they will foist a false case against the petitioner's father and put him on jail. But the petitioner refused the same. Hence, the fourth respondent has registered a case against the petitioner's father in Crime No.112 of 2021 for the alleged offence punishable under Section 379 IPC and thereafter, the petitioner's father was arrested and remanded to judicial custody. After the arrest, the petitioner's father was kept in a lodge and the Police attacked him brutally. The respondent Police after completing the investigation, filed a charge sheet in C.C.No.177 of 2021. Thereafter, the petitioner made a complaint to the second respondent on 29.04.2021 and the said complaint was presented before the first respondent on 01.05.2021. However, the same has not been considered. Further, the petitioner has sent another complaint to the learned Principal District and Sessions Judge, Virudhunagar District to take appropriate action on the erring officials. However, no action has been taken by the



respondent Police. Hence, the present complaint has been filed to transfer the petitioner's complaint dated 03.05.2021 to the seventh respondent-CBCID for fair and proper investigation..

3. The learned counsel appearing for the petitioner would submit that the petitioner's complaint may be transferred to the seventh respondent for conducting proper investigation.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner is not arrayed as accused but her father is involved in 379 IPC offence and the respondent Police has registered a case in Crime No.112 of 2021, for which, the respondent Police conducted investigation and filed a charge sheet in C.C.No.177 of 2021. If at all the petitioner is aggrieved, she has to file a private complaint before the first and second respondents. Instead of that, she has filed this petition to transfer the petitioner's complaint dated 03.05.2021 to the seventh respondent-CBCID for fair and proper investigation, which is not permissible one.

5. Admittedly, the case registered against the father of the petitioner was enquired into and charge sheet was also filed in C.C.No.



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177 of 2021 before the learned judicial Magistrate concerned. At this stage, this Court is not inclined to entertain this petition. If at all the petitioner has any grievance with regard to the investigating officials, she can very well approach the first and second respondents or before trial Court for taking appropriate action in the manner known to law.

6. In view of the above, the Criminal Original Petition stands disposed of.

14.02.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1.The Principal District and Sessions Judge,
Virudhunagar.

2.The Superintendent of Police,
Superintendent of Police,
Thoothukudi District.

3.The Superintendent of Police,
O/o. The Superintendent of Police,
Virudhunagar District.

4.The Inspector of Police,
Ettayapuram Police Station,
Thoothukudi District.

5.The Inspector of Police,
Sattur Police Station,
Sivagangai District.



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- 6.The Inspector of Police,
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C.B.C.I.D,
Admiralty House,
Chennai.
- 8.The Inspector of Police,
CBCID, Thoothukudi District.
- 9.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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