



CRL OP(MD). No.12365 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.08.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.12365 of 2024

A.Muthuselvi

... Petitioner

Vs

1. The Superintendent of Police,
Thoothukudi District.

2. The Deputy Superintendent of Police,
(Rural) Bryant Nagar,
Thoothukudi, Thoothukudi District.

3. The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.

4. The Inspector of Police,
CBCID, Thoothukudi.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to transfer the investigation of the case in Crime No. 313 of 2023 on the file of the 3rd respondent to 4th respondent, who is competent agency to investigate the matter.



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For Petitioner : Mr.J.David Ganesan

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor.

ORDER

This criminal original petition has been filed seeking a direction to the first respondent police to transfer the investigation in Crime No.313 of 2023 from the file of the third respondent to the fourth respondent.

2.The learned Counsel for the petitioner submits that on 30.12.2023 at about 10.15 a.m., the petitioner along with her neighbour, namely, Vadivu, went to the ration shop at Maravanmadam Village. At that time, a person who came in a two wheeler had snatched away the gold chain of the petitioner worth of Rs.2,85,000/-. Based on the complaint the petitioner, a case has been registered in Crime No.313 of 2023 on 30.12.2023, for the offence under Section 392 of IPC. However, the third respondent has not taken any proper action. He further has made a specific averment in the affidavit that the accused person was identified as the Sub-Inspector of Police, Coast Guard, Thoothukudi. Though the respondent police has not conducted any investigation, the

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petitioner on his own efforts has collected CCTV footage from the place of occurrence and found out the accused and also informed the respondent police. Even after that the respondent police has not taken any serious steps.

3.The learned Additional Public Prosecutor takes notice of the third respondent and submits that the third respondent has conducted the investigation and he has also collected the CCTV footage referred by the petitioner. The proposed accused, no doubt, is working in the Coast Guard, however, he is a North Indian and he is not available in Thoothukudi. Therefore, a Special Team was constituted and deployed to Haryana. Since serious allegation has been made as against the respondent police, this Court has verified with Sub Inspector of Police who is present before this Court. The Sub Inspector of Police has clarified that the proposed accused is not the Sub Inspector of Police working in the Coast Guard, Thoothukudi, but he is the friend of the Sub Inspector of Police, Coast guard, who had stayed with him at the relevant point of time. The third respondent has also collected the information from the said Coast guard, namely, Rahul and also went to Haryana to



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secure the person. But the police in Haryana has not co-operated to secure the person and therefore, they could not effect the arrest.

4.This Court considered the rival submissions made.

5.The petitioner's gold chain was snatched away in the broad day light at about 10.15 a.m. The accused was also captured in the CCTV footage. The petitioner claims that on her effort, she has collected the CCTV footage and the same was handed over to the respondent police. However, the third respondent police has not acted upon the complaint. The respondent police have also confirmed to some extent that it is not the Coast guard, who committed the offence, but it is his friend. The occurrence has taken place on 30.12.2023 and the third respondent is conducting the investigation for the past seven months. Therefore, the third respondent may not fix the accused and secure the accused even if further time is granted to him.

6.Therefore, this Court directs the first respondent/the Superintendent of Police, to withdraw the case from the file of the third



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respondent and to entrust the same with some other competent officer and to ensure that the accused is arrested immediately and the property is recovered from the accused. The crime of chain snatching has to be dealt with seriously than any other offence. The conduct of the respondent police in conducting the investigation in such a careless manner has to be avoided in future. The first respondent/the Superintendent of Police is expected to sensitize the officers, who are working under his control.

7. With the above said direction, this Criminal Original Petition is allowed.

01.08.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes
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To

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Thoothukudi District.
- 4.The Inspector of Police,
CBCID,Thoothukudi.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

B.PUGALENDHI,J



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Order made in
Crl.O.P.(MD)No.12365 of 2024

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