

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CRL.O.P.No.19046 of 2015

Krishnamurthy

... Petitioner

Vs

1.The Superintendent of Police,
Thiruvarur, Thiruvarur District.

2.The Inspector of Police,
Avalivalam Police Station,
Thiruvarur District.

.... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking direction to transfer the case pending on the file of the 2nd respondent in Cr.No.83 of 2015 to some other agency and proceed with the investigation in accordance with law.

For Petitioner : Mr.A.Sundaravadhanan
For Respondents : Mr.C.Emalias, APP

O R D E R

This present criminal original petition has been filed seeking direction to transfer the case in Cr.No.83 of 2015 on the file of the 2nd respondent to some other agency and proceed with the investigation in accordance with law.

2. It is the case of the petitioner that he is a resident of Thiruthooraipondi and working as Driver in the State Transport Department. On 30.05.2015 at about 7 a.m., the petitioner's dog barked at a person going in the street. Since there is a dispute between the petitioner and one Subramanian, the said Subramanian along with his wife Mariammal started questioning the petitioner, why the dog is barking at them and uttered unparliamentary words on the petitioner. The petitioner politely replied, if the dog is barking, he cannot do anything. All of a sudden, the said Subramanian and his close relatives came with iron ring, assaulted the petitioner indiscriminately. The petitioner informed about the occurrence to the 2nd respondent. The 2nd respondent registered a case in Cr.No.83 of 2015 for alleged offences under Section 294[b], 324,

506[ii] IPC against one Subramanian, Sampath and Mariammal. The petitioner took treatment for one week and thereafter, discharged from the hospital. The petitioner came to know that the 2nd respondent registered a case with another statement by putting the signature of the petitioner, as if one Sampath who is Mariammal's brother son alone committed the offence. The averment made in the FIR is not the correct one and the signature affixed in the statement is not that of the petitioner.

3. The petitioner further submits that the said Sampath and Mariammal gave a complaint with the 2nd respondent against the petitioner alleging that the petitioner had attacked them. The said case was registered as Cr.No.84 of 2015 by the 2nd respondent and in this case, the petitioner was on bail. The petitioner has also made a representation to the 1st respondent to issue suitable direction to the 2nd respondent to take action on his complaint. The representation of the petitioner received by the 1st respondent was not considered and no action was taken. Hence, the present petition has been filed.

4. Learned Additional Public Prosecutor submitted that if a fresh complaint is given by the petitioner, the same will be enquired by the respondent police.

5. Considering the submissions made on either side, I am of the view that there is no need to transfer the case pending on the file of the 2nd respondent and hence the petitioner is directed to give fresh complaint to the 2nd respondent and on receipt of the same, the 2nd respondent is directed to enquire the same in Cr.No.83 of 2015 and proceed further in accordance with law, within a period of four months, from the date of receipt of a copy of this order.

The criminal original petition is disposed of accordingly.
gya

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1.The Superintendent of Police,
Thiruvarur, Thiruvarur District.

2.The Inspector of Police,
Avalivalam Police Station,
Thiruvarur District.

3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.A.Sundaravaradhan, Advocate SR 64273

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Cr1.O.P.No.19046 of 2015



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