

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.27257 of 2015

N.Devi

... Petitioner

State rep by

The Inspector of Police,
K-11, CMBT Police Station,
Chennai.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking direction to transfer the investigation in Cr.No.1001 of 2015 on the file of the respondent police to any other investigation agency with a direction to file final report within stipulated period of time.

For Petitioner : Mr.P.Rajkumar Pandian

For Respondent : Mr.C.Emalias, APP

O R D E R

The present criminal original petition has been filed seeking direction to transfer the investigation in Cr.No.1001 of 2015 on the file of the respondent police to any other investigation agency with a direction to file final report within stipulated period of time.

2. The petitioner is the de facto complainant in Cr.No.1001 of 2015 registered by the respondent police on 04.10.2015 for offences under Sections 147, 148, 324 and 506[iii] IPC against one Ravi and 9 others. The case of the de facto complainant is that she is a milk vendor and on 29.09.2015, when she was selling milk in front of her house, the accused persons forcibly trespassed and damaged the articles and further threatened her that they are going to kill her husband. She immediately contacted her husband through cell phone, he stated that he was on his way along with her brother. Subsequently, both her husband and her brother were attacked by the said accused persons. They sustained serious injuries and admitted in the hospital. The medical records also speak about the

nature of injuries sustained by them. Based on the petitioner's complaint, the respondent police registered FIR. Though the injuries are life threatening and grievous one, the police had lodged FIR only under Section 324 IPC. Hence, the petitioner has come forward with the present petition.

3. Learned counsel for the petitioner submits that during the course of investigation, the offence attracts Section 307 IPC and the respondent would alter the FIR and hence, sought direction.

4. In view of the submission made by the learned counsel for the petitioner, there is no need to give any specific direction and the respondent is directed to enquire into the matter and proceed further in accordance with law, as early as possible.

This criminal original petition is disposed of accordingly.

gya

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Inspector of Police,
K-11, CMBT Police Station, Chennai.

2.The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.P.Rajkumar Pandian, Advocate Sr 64384.

SVI/CO
KR/15/12

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