

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28176 of 2015

K.Pavadai

... Petitioner

Vs

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

2. The Inspector of Police,
Arakandanallur Police Station,
Villupuram district.

3. The Inspector of Police,
C.B.C.I.D.,
Villupuram District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st respondent to transfer the investigation in Crime No.324 of 2015 pending on the file of the 2nd respondent to the 3rd respondent or some other agency in the same District.

For Petitioner : Mr.H.Rajesh

For Respondent : Mr.C.Emalias,
Addl. Public Prosecutor

O R D E R

The petition has been filed to direct the 1st respondent to transfer the investigation in Crime No.324 of 2015 pending on the file of the 2nd respondent to the 3rd respondent or some other agency in the same District.

2. The case of the petitioner is that due to previous enmity on 23.09.2015 at about 10.10.p.m., one Iyyanar, kasivel and Pazhanisamy, wrongfully restrained the petitioner, used filthy language and attacked him and caused severe injuries and thereafter, all the said three persons escaped from the scene of occurrence. Due to which, he petitioner was admitted in the Government Hospital, Tirukoilur, and took treatment as inpatient for three days. Hence, a complaint was lodged. Though

the 2nd respondent has received the said complaint on 23.09.2015, the case was not registered till 07.10.2015. The petitioner sent a representation to the 1st respondent to forward the same 2nd respondent for taking necessary action on the complaint. Thereafter, the case was registered in Crime No.324 of 2015 for the offence under sections 294(b), 323 and 506(i) IPC on 08.10.2015 and the counter case was also registered in Crime No.323 of 2015 for the offence under section 294(b), 324 and 506(i) IPC. The petitioner got anticipatory bail in the counter case in Crime No.323 of 2015 and surrendered before the Judicial Magistrate, Tirukoilur and was complying with the condition imposed by the District and Sessions Judge, Villupuram in CMP.No.6505 of 2015 but till date the accused persons have not surrendered before the concerned court in respect of Crime No.324 of 2015. Subsequently, the petitioner came to understand that the 2nd respondent police are going to close the complaint in Crime No.324 of 2015. Hence, the present petition seeking transfer of investigation.

3. Learned counsel for the petitioner submitted that the main grievance of the petitioner is that the respondent police has registered the F.I.R. only for the offences under sections 294(b), 323 and 506(i) IPC. But considering the gravity of the offence, the respondent police have to add other offences also.

4. In my considered opinion the said submission of the learned counsel for the petitioner will not serve as a ground to transfer the investigation. Hence, I am not inclined to entertain the prayer made by the petitioner. Further, this Court is of the opinion that if during the course of investigation and examination of witnesses, if the respondent police comes to the conclusion that some more offences have to be added, then, it is always open to the respondent-Police to file a final report by including the offences. Even assuming that the respondent police did not include the offences, it is open to the jurisdictional Court to include the offences while framing the charges if the materials on record warrant so. Hence, at this stage, it is not proper to direct the investigating agency to include the offences in the First Information Report.

5. With the above observation, this criminal original petition is closed.

Sd/
ASSISTANT REGISTRAR (CO)

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SUB-ASSISTANT REGISTRAR

vsi

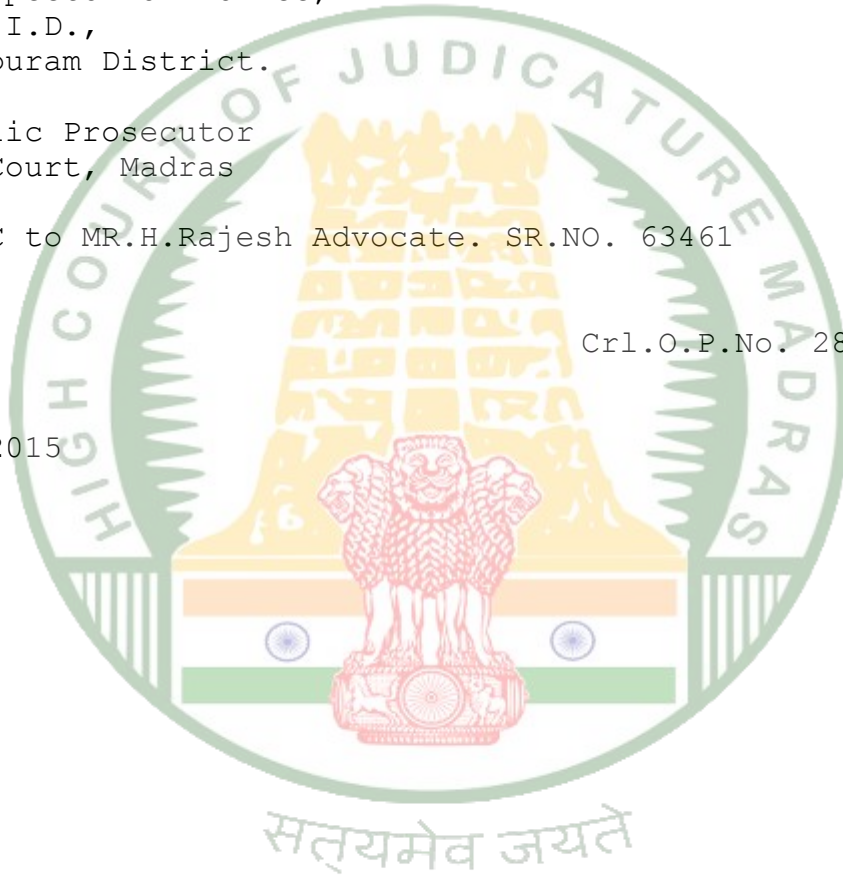
To

1. The Superintendent of Police,
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Villupuram.
2. The Inspector of Police,
Arakandanallur Police Station,
Villupuram district.
3. The Inspector of Police,
C.B.C.I.D.,
Villupuram District.
4. The Public Prosecutor
High Court, Madras

+1 CC to MR.H.Rajesh Advocate. SR.NO. 63461

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CO-GJ
JD 15/12/2015



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