



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Crl.O.P(MD)No.8191 of 2015

R.Venkateshwar

.. Petitioner

Vs.

1.The Director General of Police,
Police Headquarters, Chennai.

2.The Inspector General of Police,
Central Zone, Trichy.

3.The Deputy Inspector General of Police,
Thanjavur.

4.The Superintendent of Police,
Thanjavur District.

5.The Assistant Superintendent of Police,
Pattukottai.

6.The Inspector of Police,
Pattukottai Police Station,
Thanjavur District.

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C to direct the sixth respondent police to register an FIR based on the petitioner's complaint dated 13.04.2015.

For Petitioners : Mr.W.Peter Ramesh Kumar

For Respondents : Mr.K.Anbarasan
Government Advocate

O R D E R

This petition has been filed under Section 482 of Cr.P.C seeking to direct the sixth respondent police to register an FIR based on the petitioner's complaint dated 13.04.2015.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the State.

3. The petitioner is a practicing lawyer. He has made a complaint on 13.04.2015 against the named police personnels alleging that he has been attacked by them. As the said complaint has not been registered, the present petition has been filed.



4.Mr.W.Peter Ramesh Kumar, learned counsel appearing for the petitioner made submission at the time of admission. Based upon which, the following order was passed:-

"The learned Counsel appearing for the petitioner submitted that the proposed accused person namely, Saju has been involved in illegal activities in misusing his power, specifically, oriented towards the lawyers apart from others. The reliance has been placed on the case registered, in pursuant to the occurrence said to have been happened on 08.04.2013. Apart from the same, First Information Report has also been registered in Crime No.126/15 dated 26.02.2015. The learned Government Advocate (Crl. Side) further submitted that there are six cases pending against the proposed accused namely, Saju.

2. Considering the same, this court finds it appropriate to direct the fourth respondent to file a detailed report before this Court within a period of four weeks from the date of receipt of copy of this order about the prior antecedents of the proposed accused persons those who are inclusive of Saju.

3. Post the matter on 03.06.2015 for further hearing."

5.An enquiry report has been submitted by the Superintendent of Police, the respondent No.4. The enquiry report reveals that the proposed accused are not at fault.

6.The learned counsel for the petitioner submitted that as the enquiry is pending and in view of the report filed by the Superintendent of Police, it will not be fair to allow either the Investigating Officer or any other officer in the same District to conduct further enquiry. He has also submitted that there are prior antecedents in which one of the proposed accused is involved. He has also made reliance upon certain documents in support of his contention.

7.Per contra, the learned Government Advocate (crl. Side) submitted that one complaint has been quashed by consent by this Court. Yet another complaint has also been closed as mistake of fact.

8.This Court does not want to go into the merits of the case. The specific submission of the learned counsel for the petitioner is that two witnesses who have been examined on behalf of the petitioner have been threatened.

9.Considering the allegations made and after going through the report filed by the respondent No.4, this Court is of the view that the interest of justice would require that the entire investigation will have to be transferred to some other District. Accordingly, a direction is issued to the Inspector General of Police, Central Zone, Trichirappallai, the second respondent herein, to transfer the investigation from the respondent No.6 to any other officer under his control, but not within the District of Thanjavur, within a period of four weeks. The respondent No.2 is also directed monitor and supervise the investigation.

10. The Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar



To,

- 1.The Director General of Police,
Police Headquarters, Chennai.
- 2.The Inspector General of Police,
Central Zone, Trichy.
- 3.The Deputy Inspector General of Police,
Thanjavur.
- 4.The Superintendent of Police,
Thanjavur District.
- 5.The Assistant Superintendent of Police,
Pattukottai.
- 6.The Inspector of Police,
Pattukottai Police Station,
Thanjavur District.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.W.Peter Ramesh Kumar, Advocate, in SR. No. 29247

TS/12.06.2015/3P-9C

Cr1.O.P.No.8191 of 2015

09.06.2015