

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.01.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.16308 of 2015

G.Varadhan

..Petitioner/Defacto complainant.

Vs.

State Represented by
The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.

..Respondent/Complainant.

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to transfer the investigation in Crime No.667 of 2015 on the file of the respondent-police to any other investigation agency with a direction to file a final report within stipulated period of time.

For Petitioner : Mr.P.Rajkumar Pandian

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed praying to transfer the investigation in Crime No.667 of 2015 on the file of respondent-police to any other investigating agency with a direction to file final report within stipulated period of time.

2.The case of the petitioner is that on 28.04.2015, when the petitioner was having a tea near his house, the accused came there and started abusing the petitioner stating that the petitioner's daughter had informed the father of the accused about his love affair. When the petitioner questioned the accused as to why he was shouting at him, the accused stabbed the petitioner with knife indiscriminately. Immediately, the petitioner was admitted in Kilpauk Government Hospital and he was under treatment for 8 days and he had more than 15 stitches on his chest and further 7 stitches on his right hand. The respondent police had registered First Information Report under Section 324 IPC. The above said injuries are life threatening,

grievous one which attract stronger penal Section 307 of IPC. The medical records speak about the grievous nature of the injuries sustained by the petitioner. While so, the respondent-police had purposefully registered the FIR only under Section 324 of IPC instead of major offences. Hence, the petitioner has filed the present criminal original petition.

3. When the matter is taken up for consideration, the learned Additional Public prosecutor submitted that the investigation is under progress and that during the course of investigation, if the commission of offence under Section 307 IPC is made out, the respondent-police will add that section also in the final report.

4. In view of the submissions made on either side, this Court is of the view that there is no need to transfer the investigation in crime No.667 of 2015 on the file of the respondent-police to any other investigation agency. However, the respondent-police is directed to expedite the investigation in Crime No.667 of 2015 and file a final report as early as possible. Accordingly, this criminal original petition is disposed of.
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s/d-

Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.P.Rajkumar Pandian, Advocae SR 3598

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