

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2016

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

CrI.O.P.No.451 of 2016

Mr.Arumugam

... Petitioner

Vs.

State by

The Sub Inspector of Police,
J9, Thuraipakkam Police Station,
Chennai

Crime No.3049 of 2015

... Respondent

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to transfer the FIR pending investigation in Crime No.3049 of 2015 dated 2015 on the file of the respondent police to any other police station for investigation for further investigation.

For Petitioner : Mr.M.Jaikumar

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

ORDER

This petition is filed praying for a direction to transfer the FIR pending investigation in Crime No.3049 of 2015 dated 2015 on the file of the respondent police to any other police station for investigation for further investigation.

2.In the petition it is stated that the petitioner is doing iron scrap business for several years and along with him, his wife's brother Pandian @ Paneer Selvam is doing the same business. It is further stated that on 13.09.2015 at 5.00 p.m., the petitioner along with his friend Kumar went to consume liquor in his bike after parking his friend Kumar's cycle near Bharath Petroleum bunk and after consuming liquor went to take their cycle and at that time one Anand and another person who was consuming liquor in the shar auto and they informed the above said persons that they want to take their cycle and requested to move the share auto, but the above said persons abused the petitioner and his friend in vulgar language and attacked with hand and consequently, the petitioner's friend fainted and hence, the petitioner called his wife's brother Pandian @ Paneer Selvam for help through mobile.

3.It is further stated that when Pandian @ Paneer Selvam came to the spot, he was attacked with knife by the above said persons and hence, the petitioner and Pandian @ Paneer Selvam were admitted in Royapettai hospital since they sustained grievous injuries. Hence, the petitioner lodged a complaint before the respondent and a case was registered in Crime No.3049 of 2015 for the for the alleged offence punishable under Sections 341, 294(b), 324 and 506(ii) of IPC. Hence, this petition.

4.The learned counsel appearing for the petitioner would submit that though the complaint has been preferred as against five persons only the names of three persons find place in the FIR and the respondent police arrested only one person. He would further submit that the respondent police is acting in favour of the accused persons since they are most influential persons and hence, prayed for appropriate orders.

5.The learned Additional Public Prosecutor submitted that during the course of investigation, if the respondent police comes to the conclusion that the other two persons have also involved in the offence, their names would be added in the FIR.

6.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor.

7.In view of the submissions made by the learned Additional Public Prosecutor, this Court finds that there is no need to transfer the FIR as prayed for. Hence, recording the submissions made by the learned Additional Public Prosecutor, this Criminal Original Petition is closed.

pri

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Sub Inspector of Police,
J9, Thuraipakkam Police Station,
Chennai, Crime No.3049 of 2015

2.The Public Prosecutor
High Court, Madras.

+1cc to Mr.M. Jaikumar, Advocate, S.R.No.1489

KK(CO)

EU(27/01/2016)

Cr1.O.P.No.451 of 2016