



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.(MD)No.2420 of 2017

J.Sasikumar : Petitioner

-Vs-

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

2.The Deputy Superintendent of Police,
Aravakuruchi Range,
Karur District.

3.The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.
(Crime No.638 of 2016)

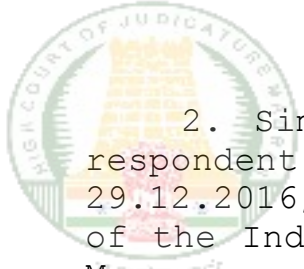
4.The Inspector of Police,
CBCID,
Madurai District. : Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to withdraw the case in Crime No.638 of 2016 on the file of the Third Respondent and to transfer the same to the Fourth Respondent i.e. CBCID or any other agency.

For Petitioner : Mr.R.Mathiyalagan
For Respondents : Mr.K.Anbarasan,
Government Advocate (Crl.side)

O R D E R

On the complaint lodged by one Murugesan, the respondent police registered a case in Crime No.637 of 2016 on 29.12.2016, under Sections 147, 341, 294(b), 323, 506(1) of the Indian Penal Code, Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and Section 4 of Tamil Nadu Prohibition of Harassment Act, 2002, against Gokul and four others, including one Sasikumar.



2. Similarly, on the complaint of the said Sasi Kumar, the respondent police registered a case in Crime No.638 of 2016, on 29.12.2016, under Sections 147, 148, 294(b), 323, 324 and 506(2) of the Indian Penal Code against Mathan and four others including Murugesan. Under such circumstances, Sasi Kumar, the defacto complainant in Crime No.638 of 2016 and A-3 in Crime No.637 of 2016, is before this Court for transfer of investigation of the case in Crime No.638 of 2016 from the file of the third respondent to the CBCID.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) appearing for the respondents.

4. Mr.Arumugam, Special Sub-Inspector of Police, Velayuthampalayam Police Station, Karur District, is present.

5. On a reading of the First Information Report in Crime No.638 of 2016, it is seen that it is alleged by the petitioner that he was assaulted by the opposite party. On the complaint given by the opposite party, a serious case has been registered against the petitioner. Under such circumstances, this is not a fit case to transfer the investigation in Crime No.638 of 2016 as prayed for by the petitioner. However, since offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 are involved in the counter case in Crime No.637 of 2016, where the investigation will have to be conducted by a Deputy Superintendent of Police, this Court directs the Deputy Superintendent of Police, Aravakuruchi Sub-Division, to monitor the investigation in Crime No.638 of 2016 that was conducted by the Inspector of Police, Velayuthampalayam Police Station, Karur District.

6. At this juncture, the learned Government Advocate (Criminal side) submits that the investigation so far conducted reveals that the allegation in Crime No.638 of 2016 is false. Therefore, in the event of the police closing the First Information Report in Crime No.638 of 2016, closure notice should be served on the petitioner with liberty to the petitioner to work out his remedies in the manner known to law before the concerned Jurisdictional Magistrate.

7. With the above direction, this petition stands closed.

Sd/-

Assistant Registrar(AD II)

/True copy/



To

- 1.The Superintendent of Police,
Karur District.
Karur.

WEB COPY

- 2.The Deputy Superintendent of Police,
Aravakuruchi Range,
Karur District.
- 3.The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.
(Crime No.638 of 2016)
- 4.The Inspector of Police,
CBCID,
Madurai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Mathiyalagan, Advocate Sr.No.13221

sml/rm

sm:PM-PN:20/03/2017:3P/7C

Order made in
CRL.O.P. (MD) No.2420 of 2017
Dated: 08.03.2017