

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09.08.2018

PRONOUNCED ON : 31.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE P.N. PRAKASH

Criminal Original Petition No.6120 of 2016

and

Cr1.M.P.No.7274 of 2017

M.Radhika

... Petitioner

Vs.

1.The Sub Inspector of Police (Law and Order)
Nagoore P.S. Nagapattinam District.

2.The Inspector of Police (Law and Order)
Nagoore P.S., Nagapattinam District.

3.The Deputy Superintendent of Police
Nagore Sub Division
Nagapattinam District.

4.The District Superintendent of Police
Nagapattinam District
Nagapattinam.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
to transfer the case in Cr.No.327 of 2015 from the file of Sub
Inspector of Police, Nagoor P.S., Nagapattinam District to any
other competent police agency.

For Petitioner : Mr.T.Jaishankar

For Respondents : Ms.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This petition has been filed to transfer the case in Cr.No.327 of 2015 from the file of Sub Inspector of Police, Nagoor Police Station, Nagapattinam District to any other competent police agency.

2. It is the case of the petitioner that on 30.07.2015, four known persons picked up a quarrel with her father (Murugaiyan), abused him and assaulted him. In this regard, Murugaiyan lodged a complaint to the Sub-Inspector of Police, Nagore Police Station and a petition enquiry in CSR No.279 of 2015 was registered on 30.07.2015. After enquiry, the first respondent registered a case in Cr.No.327 of 2015 on 09.08.2015 under Sections 294(b) and 323 IPC against four accused named by Murugaiyan. Not satisfied with the investigation, the petitioner has filed the present application for transfer of investigation.

3. Heard Mr.T.Jaishankar, learned counsel for the petitioner and Ms.M.Prabhavathi, learned Additional Public Prosecutor appearing for the State.

4. Mr.Jaishankar submitted that Murugaiyan had suffered serious injuries and instead of registering a case under Section 307 IPC, the police have registered a case under Sections 294(b) and 323 IPC.

5. Per contra, learned Additional Public Prosecutor submitted that investigation in Cr.No.327 of 2015 has been completed and charge sheet was filed in STC No.243 of 2017 before the Judicial Magistrate No.II, Nagapattinam for the offences under Sections 294(b) and 323 IPC and that the accused appeared before the said Court and pleaded guilty and were sentenced to pay a fine of Rs.500/- on 08.04.2017. Hence, this Court carefully perused the FIR.

6. On a reading of the FIR, it is seen that there was quarrel between Murugaiyan and the accused earlier, pursuant to which, the former gave a complaint to the police on 27.07.2015 and a petition enquiry was registered in CSR No.276 of 2015. While so, the accused came to the house of Murugaiyan on 30.07.2015 and called him to the Panchayat for settling the matter, for which, the latter refused to come. Therefore, it is alleged by Murugaiyan that Chandrasekar [A2] came to attack him with a knife and the other accused attacked him with sticks and kicked him. He has further stated that he had suffered some internal injuries. No external injury has been noticed.

7. In the opinion of this Court, the complaint does not disclose the commission of a cognizable offence under Section 307 IPC and therefore, the registration of the FIR for the offences under Sections 294(b) and 323 IPC by the police cannot be faulted in the facts and circumstances of the case.

In the result, this petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

gms

To

1.The Sub Inspector of Police (Law and Order)
Nagoore P.S. Nagapattinam District.

2.The Inspector of Police (Law and Order)
Nagoore P.S., Nagapattinam District.

3.The Deputy Superintendent of Police
Nagore Sub Division
Nagapattinam District.

4.The District Superintendent of Police
Nagapattinam District
Nagapattinam.

5.The Public Prosecutor
High Court, Madras.

सत्यमेव जयते

+2cc to Mr.T. Kumar, Advocate SR.No.60236 05/09/2018

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Cr1.O.P.No.6120 of 2016

GMV (05/09/2018)