

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.24038 of 2018

Muthukumaran

Petitioner

Vs

1.The Superintendent of Police,
Cuddalore District.

2.The Deputy Superintendent of Police,
Crime Branch Criminal
Investigation Department,
(CBCID),
Villupuram.

3.The Inspector of Police,
Pudhupettai Police Station,
Cuddalore District.

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., praying to pass an order of direction directing the respondent no.1 to withdraw the case in Crime No.301 of 2018 dated 01.08.2018 on the file of the respondent no.3 and entrust the same to the respondent no.2 for investigation of the case by a Competent Officer and to file Final Report before the concerned learned Judicial Magistrate within the time stipulated by this Court.

For Petitioner : Mr.S.Arunachalam

For Respondents : Ms.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

On the complaint lodged by Subburayalu, the respondent police have registered a case in Cr.No.300 of 2018 on 01.08.2018 under Sections 147, 294 (b), 323 and 506 (1) I.P.C against the petitioner and four others. Similarly on the complaint given by the petitioner, the respondent police have registered a case in Cr.No.301 of 2018 on 01.08.2018 under Sections 147, 294 (b), 323 and 506 (1) I.P.C against Subburayalu and five others.

2.While so, the petitioner is before this Court seeking transfer of investigation in Cr.No.301 of 2018 on the ground that the investigation is not proceeding on the proper lines.

3.Heard the learned counsel for the petitioner who submitted that the petitioner was admitted as an in-patient for 12 days, but whereas the police have registered the First Information Report only under Section 323 I.P.C. He also contended that a false case in Cr.No.300 of 2018 has been foisted against the petitioner.

4.Per contra, the learned Additional Public Prosecutor submitted that even the wound certificate has not yet been received by the police.

5.This Court gave its anxious consideration to the rival submissions.

6.The fact remains that there was a clash between two groups and therefore, the police have registered two First Information Reports, viz., Cr.Nos.300 and 301 of 2018. The cases were registered only on 01.08.2018. Only after obtaining the wound certificate and medical opinion, can the police alter the First Information Reports, if necessary. Thus, it is too premature for this Court to conclude that the investigation is perfunctory.

7.Hence, this is not a fit case to transfer the investigation. However, the Deputy Superintendent of Police, incharge of Pudhupettai Police Station is directed to monitor the investigation in Cr.Nos.300 and 301 of 2018 that is being conducted by the Inspector of Police, Pudhupettai Police Station.

With the above direction, this petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

gsa

To

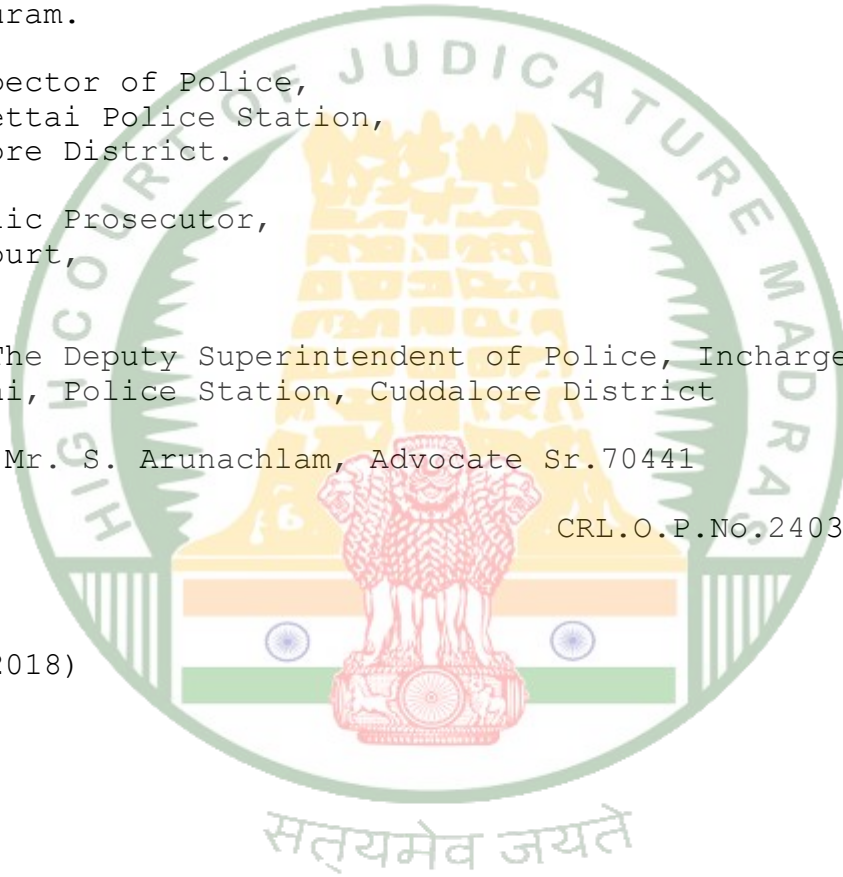
- 1.The Superintendent of Police,
Cuddalore District.
- 2.The Deputy Superintendent of Police,
Crime Branch Criminal Investigation Department,
(CBCID),
Villupuram.
- 3.The Inspector of Police,
Pudhupettai Police Station,
Cuddalore District.
- 4.The Public Prosecutor,
High Court,
Madras.

Copy to: The Deputy Superintendent of Police, Incharge of
Pudhupettai, Police Station, Cuddalore District

+ 1 cc to Mr. S. Arunachlam, Advocate Sr.70441

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EV(CO)
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