

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2018

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.26835 of 2018

1.Manikandan
2.Manivannan

... Petitioners

-Vs-

1.The Superintendent of Police,
Ariyalur District.
2.The Deputy Superintendent of Police,
Ariyalur District.
3.The Inspector of Police,
Udayarpalayam Police Station,
Ariyalur, Ariyalur District.
4.The Inspector of Police,
Kairalabad Police Station,
Ariyalur, Ariyalur District.

5.C.Chinnathambi ... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to transfer the investigation in F.I.R.No.306/2018, on the file of the 3rd respondent to the 2nd respondent police.

For Petitioners : Mr.T.Elumalai

For R1 to R4 : Mr.C.Raghavan,
Government Advocate (Crl.Side),
High Court, Chennai - 104.

ORDER

This criminal original petition has been filed to transfer the investigation in F.I.R.No.306/2018, on the file of the 3rd respondent to the 2nd respondent police.

2. It is seen from records that the first petitioner had given a complaint before the third respondent and since no action was taken, the first petitioner filed an application

under Section 156(3) before the appropriate Magistrate Court and based on the directions given by the Court, the third respondent has registered an FIR in Crime No.216 of 2018 for various offences against 15 accused persons.

3. In the said FIR, one Chinnathambi is said to be an advocate and he has been added as A3. Subsequent to the registration of the FIR, it is the case of the petitioner that the said Chinnathambi had engaged rowdy elements and had attempted to do away with the petitioners. On 25.10.2018 when the petitioners were proceeding near Jayankondam, between 09.30 to 10.00 A.M, the petitioners were attacked by 3 persons with aruval and the first petitioner warding the attack sustained a serious cut injury in his right hand and the assailants escaped from the scene of occurrence. Immediately thereafter a complaint was given to the fourth respondent police Kairalabad on 25.10.2018. An FIR was also registered by the third respondent on 25.10.2018 against 3 unknown persons for an offence under Section 324 and 506(ii) IPC.

4. The learned counsel for the petitioners would submit that the present petition seeking for transfer of investigation has been filed on the ground that the fifth respondent who is an advocate is very influential and he will not allow the investigation to go on. That apart the fifth respondent has also engaged hooligans to attack the petitioners and the first petitioner luckily escaped and had sustained grievous injuries in his right hand. The learned counsel for the petitioners further submitted that the petitioners are facing a potential threat to their life and therefore immediate action has to be taken against the fifth respondent by the third respondent police.

5. It is seen from records that the petitioner has made a complaint to the Superintendent of Police, Ariyalur on 25.10.2018. The fourth respondent is now investigating the case in Crime No.216 of 2018. In this case the above said Chinnathambi is added as A3. An attempt has also been made on the life of the petitioners during the pendency of the case. Therefore it is incumbent on the part of the fourth respondent to take immediate action against the accused persons and more particularly against A3, who according to the petitioners was instrumental and the person behind the attack, made against the petitioners.

6. The third and fourth respondent before whom the FIRs are pending cannot be conducting independent investigations since

there is a connection between both the cases. Therefore this Court is of the considered view that both the FIRs in Crime No.216 of 2018 and Crime No.306 of 2018 should be transferred to the file of the Deputy Superintendent of Police, Ariyalur District, in order to enable the same police Officer to conduct the investigation in both the FIRs. Therefore the FIR in Crime No.216 of 2018, pending on the file of the fourth respondent and the FIR in Crime No.306 of 2018, pending on the file of the third respondent is hereby transferred to the Deputy Superintendent of Police, Ariyalur District. The case diary shall be handed over by the concerned police to the Deputy Superintendent of Police, Ariyalur within a period of 10 days from the date of receipt of copy of this order. The Deputy Superintendent of Police, Ariyalur District immediately on receipt of the case diary shall proceed further with the investigation in both the cases. In view of the potential life threat faced by the petitioners, the Deputy Superintendent of Police, Ariyalur shall take immediate action against the persons who were behind the attack against the petitioners and if required, the Deputy Superintendent of Police, Ariyalur shall also provide with necessary police protection to the petitioners. It is made clear that the Deputy Superintendent of Police, Ariyalur District shall conduct the investigation in an effective manner and shall file the final report as expeditiously as possible.

7. This Criminal Original Petition is disposed of with the above directions.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

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- 1.The Superintendent of Police,
Ariyalur District.
- 2.The Deputy Superintendent of Police,
Ariyalur District.

3.The Inspector of Police,
Udayarpalayam Police Station,
Ariyalur, Ariyalur District.

4.The Inspector of Police,
Kairalabad Police Station,
Ariyalur, Ariyalur District.

+1 cc to Mr.T.Elumalai, Advocate Sr.No.79069

CrI.O.P.No.26835 of 2018

CSL/26.11.2018



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