

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.11.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.27766 of 2018

S.Sadhurdeen

... Petitioner

Vs.

State: Rep by its

1. The Superintendent of Police,
District Superintendent of Office,
Thiruvarur.

2. The Deputy Superintendent of Police,
Deputy Superintendent Office,
Thiruthuraipoondi,
Thiruvarur District.

3. The Inspector of Police,
Thiruthuraipoondi,
Thiruvarur District.

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 3rd respondent to alter the FIR in Crime No.207 of 2018 dated 06.05.2018 based on Petitioner statement recorded on 06.05.2018 to include the Haliuallah, Haneef, Meher Hussain, Sheik Dawood as accused and also direct the 2nd respondent to monitor investigation pending in Crime No.207/2018 pending on the file of 3rd Respondent .

For Petitioner : Mr.C.Mohammed Aseef

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

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O R D E R

This Petition has been filed seeking for a direction to the respondent police to include the name of the accused persons viz.,Haliuallah, Haneef, Meher Hussain, Sheik Dawood, in the FIR and investigate the same in accordance with law.

2. The petitioner was attacked with deadly weapons on 05.05.2018 and he was rushed to the hospital and was treated as

an inpatient at Government Hospital, Thiruthuraipoondi. Based on the statement given by the petitioner in the hospital, the respondent police registered an FIR in Crime No.207 of 2018 for an offence under Sections 294(b), 342 and 307 of IPC.

3. The learned counsel for the petitioner would submit that even, while giving the statement, the petitioner had specifically stated the names of Haliuallah, Haneef, Meher Hussain and Sheik Dawood as accused person. In spite of the same, the FIR has been registered against unknown persons. The learned counsel would further submit that till date there is absolutely no progress in the investigation as the accused persons are highly influential and the 3rd respondent is not conducting a fair investigation in this case. Left with no other alternate, the petitioner has approached this Court seeking for appropriate direction.

4. It is seen from records that the petitioner has been attacked brutally with deadly weapons and he has sustained serious injuries. The discharge summary clearly shows that the petitioner had sustained injuries in his head and also in the elbow and it is seen that the petitioner had taken treatment as an inpatient from 06.05.2018 to 10.05.2018. The petitioner, while giving statement to the respondent police has also named the accused persons. However, curiously the FIR has been registered against unknown accused persons.

5. In the facts and circumstances of the case, this Court is of the considered view that the investigation has to be monitored by the Superintendent of Police, Thiruvarur, in order to ensure that the investigation goes in the right path. The petitioner has specifically named the accused persons. Therefore, the 3rd respondent has to necessarily proceed against the accused persons viz., Haliuallah, Haneef, Meher Hussain and Sheik Dawood, immediately and take action against them in accordance with law. The 1st respondent namely the Superintendent of Police, Thiruvarur, is directed to closely monitor the investigation conducted by the 3rd respondent and the 3rd respondent is directed to effectively proceed with investigation and file a final report as expeditiously as possible.

6. This Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Superintendent of Police,
District Superintend Office,
Thiruvavarur.
2. The Deputy Superintendent of Police,
Deputy Superintend Office,
Thiruthuraipoondi,
Thiruvavarur District.
3. The Inspector of Police,
Thiruthuraipoondi,
Thiruvavarur District.
4. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.G.Mohammed Aseef, Advocate Sr.No.82705

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CSL/13.12.2018



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