



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.16106 of 2016

Anbarasan

.. Petitioner

-Vs-

- 1.The Commissioner of Police,
Madurai City, Madurai.
- 2.The Assistant Commissioner of Police,
Law and Order (Anna Nagar Division)
Madurai.
- 3.The Inspector of Police,
Anna Nagar Police Station (L&O)
Madurai.
- 4.The Inspector of Police,
K.Pudur Police Station (L&O)
Madurai - 7.

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to set aside the C.C.No.280 of 2016 on the file of the Judicial Magistrate VI, Madurai and to direct the 1st respondent to transfer the investigation Crime No.187 of 2015 on the file of 3rd Respondent to the 4th Respondent or any other investigating agency to investigate further and file the Final Report afresh.

For Petitioner	: Mr.R.Senthilkumar
For Respondent	: Mr.K.Suyambulinga Bharathi
	Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed for a direction to transfer the investigation in Crime No.187 of 2015 and also to set aside the cognizance taken by the Court below from the final report in C.C.No.280 of 2016.

2.The case of the petitioner is that the accused persons attempted to kill the petitioner by throwing stones on the car of the petitioner and the petitioner sustained serious injuries. The petitioner's vehicle glass were also broken in the said incident. The respondent police had registered F.I.R. in Crime No.187 of 2015 for the offences punishable under Sections 147, 148, 324, 427, 506 (11) of IPC. Subsequently, the charge sheet has also been filed by the respondent police for the offences under Sections 326, 427, 506



(ii) of IPC. According to the petitioner, the respondent have not properly investigated this case and the accused persons were not even arrested during the course of investigation.

3. This is a case pertaining to the year 2015 and it is almost three years from the date of incident. The respondent police have investigated and filed the final report. In case the petitioner finds the relevant provisions of law has not been included in the final report and the actual accused persons have not been added in the final report, it is always open to the petitioner to raise the said issue before the Court below and the Court below has sufficient jurisdiction to exercise its power under Sections 216 and 319 of Cr.P.C. This Court at this stage cannot order for reinvestigation in this case.

4. Accordingly, this Criminal Original Petition is closed with the above directions.

Sd/
Assistant Registrar (Crl Side)

/True copy/

Sub Assistant Registrar (CS-III)

To

1. The Commissioner of Police,
Madurai City, Madurai.

2. The Assistant Commissioner of Police,
Law and Order (Anna Nagar Division)
Madurai.

3. The Inspector of Police,
Anna Nagar Police Station (L&O)
Madurai.

4. The Inspector of Police,
K. Pudur Police Station (L&O)
Madurai - 7.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr. R. SENTHIL KUMAR, Advocate, SR.No.82016

CRL.O.P. (MD) No.16106 of 2016
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KK/SV/SAR-3/05.10.2018/2P-7C