



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.08.2018
CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

WEB COPY

CRL.O.P. (MD) Nos. 14141, 14804 and 14519 of 2018

and

CrI.M.P. (MD) Nos. 6495 in CrI.OP. (MD) No. 14519/2018

and

CrI.M.P. (MD) No. 6572 of 2018 in CrI.OP. (MD) No. 14804/2018

CRL.O.P. (MD) No. 14141 of 2018

S. Rajkumar

... Petitioner

Vs

1. The Deputy Inspector General of Police,
Thanjavur District.

2. The Superintendent of Police,
Office of the District Superintendent of Police,
Thanjavur District.

3. The Inspector of Police,
Thirukattupalli Police Station,
Thanjavur District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to issue a direction to the third respondent herein to alter the F.I.R in Crime No. 276 of 2017 by inserting Section 307 of I.P.C on the basis of the representation given by the petitioner dated 06.07.2018 and 09.07.2018 and to file a final report within the period stipulated by this Court.

CRL.O.P. (MD) No. 14804 of 2018

S. Rajappa @ Rajkumar

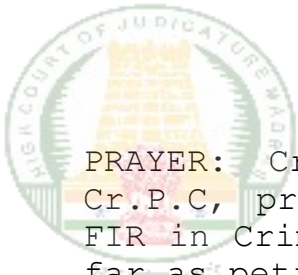
... Petitioner/A1

Vs

1. The Inspector of Police,
Thirukattupalli Police Station,
Thanjavur District.
(Crime No. 66 of 2018)

2. A. Palanimuthu,
Inspector of Police,
Thirukattupalli Police Station,
Thanjavur District.

... Respondents



PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records relating to the impugned FIR in Crime No.66/2018 on the file of the respondent police, in so far as petitioner concerned, and quash the same.

CRL.O.P. (MD)No.14519 of 2018

1.S.Rajappa @ Rajkumar
2.S.Hariharan

... Petitioners/A1 & A2

Vs

1.The Inspector of Police,
Thirukattupalli Police Station,
Thanjavur District.
(Crime No.32 of 2018)

2.R.Manikandan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records relating to the impugned FIR in Crime No.32 of 2018 so far as petitioners concerned, on the file of the respondent police and quash the same.

For Petitioners : Mr.C.Jeganathan
(in all CrI.O.Ps)

For Respondents : Mrs.S.Bharathi
(in all CrI.O.Ps) Government Advocate (CrI.side)

COMMON ORDER

CrI.O.P.(MD)No.1414 of 2018 has been filed seeking for the inclusion of the offence under Section 307 IPC by the respondent police. This petition is filed by one S.Rajkumar and the accused persons in this case is Thirunavkarasu and 20 others.

2.CrI.O.P.(MD)No.14519 of 2018 is filed by one S.Rajappa @ Rajkumar and S.Haraiharan on the ground that a false case has been registered in Crime No.32 of 2018 against them and one Udhaya Chandru who is working in the Indian Army. This complaint was filed against them by one R.Manikandan who is the second accused in Crime No.276 of 2017 which is the subject matter of CrI.O.P.(MD)No.1414 of 2018.

3.CrI.O.P.(MD)No.14804 of 2018 has been filed again by S.Rajapa @ Rajkumar seeking to quash the F.I.R in Crime No.66 of 2018 filed against him and an other person for the alleged offence under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

4.All the above said crime numbers are pending investigation before the Inspector of Police, Thirukattupalli Police



Station, Thanjavur District.

5.It is a matter of record that based on the complaint made by the uncle of S.Rajappa @ Rajkumar, an FIR has been registered against the Inspector of Police, Thirukattupalli Police Station in Crime No.4 of 2018 for an alleged offence under Section 7 of the Prevention of Corruption Act, 1988.

6.The learned counsel for the petitioners would submit that the offshoot of this complaint filed against the Inspector of Police has resulted in the registration of one FIR after another by the Inspector of Police of the same Police Station and the petitioners apprehend that there will not be any fair investigation in any of the above cases.

7.The learned Government Advocate would submit that a reading of FIR which has been challenged would clearly make out an offence against the petitioners. The learned Government Advocate further submitted that it is true that an FIR is pending against the Inspector of Police, Thirukattupalli Police Station, which was registered on the basis of the complaint given by the uncle of S.Rajappa @ Rajkumar.

8.The learned Government Advocate would further submit that the investigation has been conducted in a proper manner and there is no ground to transfer the investigation.

9.This Court has carefully considered the submission made on either side and also has gone through the records.

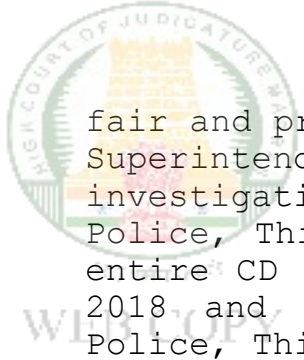
10.This Court does not want to interfere with any of the FIRs that are pending as on date. The fact remains that there is a complaint filed against the Inspector of Police, Thirukattupalli Police Station and the same is pending in Crime No.4 of 2018 for an offence under Section 7 of the Prevention of Corruption Act. This complaint was given by the uncle of S.Rajappa @ Rajkumar. Therefore, there is a clear apprehension in the mind of the petitioners that the investigation will not be fair and the FIR will be used as a tool to harass the petitioner.s

11.The learned counsel for the petitioners would further submit that the Inspector of Police, Thirukattupalli Police Station should not continue to investigate the case.

12.This Court finds force in the submission made by the learned counsel for the petitioners. When admittedly an FIR is pending against the Inspector of Police, Thirukattupalli Police Station based on the complaint given by the uncle of the petitioner, a fair investigation may not be possible by the very same Inspector of Police.

<https://hcservices.ecourts.gov.in/hcservices/>

13.In order to ensure that the investigation is carried on



fair and proper manner, this Court deems it fit to direct the Deputy Superintendent of Police, Thiruvaiyaru to carry on with the investigation in all the above said crime numbers. The Inspector of Police, Thirukattupalli Police Station is directed to hand over the entire CD file with regard to Crime No.32 of 2018, Crime No.66 of 2018 and Crime No.276 of 2017 to the Deputy Superintendent of Police, Thiruvaiyaru, within two weeks from the date of receipt of a copy of this order. The Deputy Superintendent of Police, Thiruvaiyaru is directed to carry on with the investigation in the above said Crime Numbers and file a final report as expeditiously as possible.

14. These criminal original petitions are disposed of with the above directions. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

- 1.The Deputy Inspector General of Police,
Thanjavur District.
- 2.The Superintendent of Police,
Office of the District Superintendent of Police,
Thanjavur District.
- 3.The Inspector of Police,
Thirukattupalli Police Station,
Thanjavur District.
- 4.The Deputy Superintendent of Police,
Thiruvaiyaru.
- 5.The Additional Public Prosecutor,
Madurai bench of Madras High Court,
Madurai.

+2CCs To M/s.VEERA ASSOCIATES IN SR.NO.80426,80424.

RMI

DS SV SAR-4 05.10.2018 4P/8C

CRL.O.P.(MD)Nos.14141, 14804 and 14519 of 2018
and

Cr1.M.P.(MD)Nos.6495 in Cr1.OP.(MD)No.14519/2018
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