



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 14.08.2018  
CORAM  
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH  
Crl.O.P.(MD)No.14412 of 2018

Muthuraman

... Petitioner/De-facto Complainant

Vs.

1. The State Rep by  
The Superintendent of Police  
Thoothukudi District, Thoothukudi
2. The Deputy Superintendent of Police  
Srivaikundam, Thoothukudi District
3. The Inspector of Police  
Sawyarpuram Police Station  
Eral Circle, Thoothukudi District
4. The Inspector of Police  
CBCID Wing, Thoothukudi District, Thoothukudi
5. The Deputy Superintendent of Police  
CBCID Wing, South Zone Region, Madurai. ...Respondents

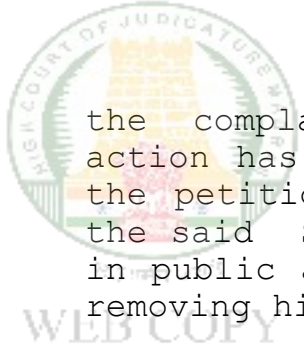
Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the investigation in connection with Crime No. 177 of 2017 on the file of the Inspector of Police, Sawyarpuram Police Station, Thoothukudi District investigating by the second and third respondents to be withdrawn and transfer to the respondents 4 and 5 for effective investigations in accordance with law and file the report as against the offenders forthwith before the court concern.

For Petitioner : Mr.B.Jeyakumar  
For Respondents : Mrs.S.Bharathi  
Government Advocate (Crl. Side)

**ORDER**

This Criminal Original Petition has been filed for a direction to transfer the investigation being conducted by the Deputy Superintendent of Police, Srivaikundam Police Station to the file of the CBCID.

2. The learned counsel for the petitioner would submit that for an alleged incident that took place on 10.06.2017, a complaint was given to the Sub Inspector of police, Sawyarpuram Police Station and since no action was taken on the said complaint, the petitioner had approached the Sub Inspector of Police and questioned the stage of



the complaint that was given by him on 10.06.2017 and as to why no action has been taken on the complaint. Thereafter, on 12.06.2017, the petitioner, while waiting near the bus stop was assaulted by the said Sub Inspector of Police along with three other police men in public and was taken to the police station and was attacked by removing his dresses and was treated badly in the police station.

3. The learned counsel for the petitioner would further submit that a petition was filed under section 156(3) Cr.P.C before the learned Judicial Magistrate No.I, Thoothukudi, seeking for a direction to register a case against the said Sub Inspector of police. The learned Judicial Magistrate No.I, Thoothukudi, by an order dated 17.08.2017, directed the Inspector of Police, Sawyarpuram Police Station to register the First Information Report, investigate the case and to file a final report. Subsequent to the order passed by the learned Judicial Magistrate No.I, Thoothukudi, First Information Report came to be registered in Crime No. 177 of 2017 on 09.10.2017 for the alleged offences punishable under Sections 294(b), 323 and 506(ii) of IPC. Subsequently the investigation was transferred to the file of the second respondent namely the Deputy Superintendent of Police, Srivaikundam, Thoothukudi District and an altered First Information Report came to be registered on 04.01.2018 for the alleged offences under sections 294(b), 323, 193, 466, 468, 120(b), 306, 506(ii) IPC r/w.3(1) (r,s)3(12) (v.a)SC/ST(POA) Amendement Act 2015.

4. The learned counsel for the petitioner would submit that the second respondent who is now investigating the case, also belongs to the same jurisdiction police station and therefore, fair investigation will not be conducted in this case, more particularly, due to the fact that the accused person is none than the Sub Inspector of Police of Sawyarpuram Police Station. Therefore the learned counsel would submit that only if the case is transferred to the file of the CBCID, fair investigation will be conducted in this case.

5. Per contra, the learned Government Advocate(Crl.Side) would submit that the investigation is being conducted in a fair manner by the second respondent and the present petition has been filed only on mere apprehensions. She would further submit that the second and third respondents fall in different circles and they are not within the same jurisdiction. She would further submit that the fact that the First Information Report has been altered and additional offences have been added by the second respondent, would clearly show that a fair investigation is being conducted in the present case and there is no necessity to transfer the investigation.

6. Admittedly this is a case where the accused is the Sub Inspector of Police belonging to Sawyarpuram police station. The allegation made against the accused person in the complaint requires thorough investigation. Infact when an order passed in the petition



filed under section 156(3) Cr.P.C by the learned Judicial Magistrate No.I, Thoothukudi, the learned Magistrate has taken into consideration the severity of the allegations made against the Sub Inspector of Police, Sawyarpuram police station. The crux of the allegations revolves around the misuse of power while performing official duty and therefore fair investigation is required in order to repose confidence to the complainant that investigation is being done without showing any leniency. Since the accused in this case is the Sub Inspector of Police and the case involving police personnel for the offence that was committed by him while on duty, it would be appropriate to have an independent agency namely CBCID to investigate the case in order to ensure fairness in the investigation.

7. It is made clear that this Court does not find any fault with the investigation done by the second respondent. However, in order to maintain high degree of independence in the investigation, this court deems it fit to transfer the investigation from the file of the second respondent to the file of the fifth respondent. By such transfer, it shall not be understood that this Court finds fault with the investigation done by the second respondent.

8. For the reasons stated supra, the investigation which is now pending on the file the Deputy Superintendent of Police, Srivaikundam is hereby transferred to the file of the Deputy Superintendent of Police, CBCID Wing, South Zone Region, Madurai. The entire CD file in this the case is directed to be handed over to the fifth respondent by the second respondent within a period of two weeks from the date of receipt of copy of this order. Immediately on receipt of CD file, the fifth respondent is directed to issue summons, investigate and complete it within a reasonable time.

9. The Criminal Original Petition is allowed with the above directions.

Sd/-

Assistant Registrar(Crl.side)

/True Copy/

Sub Assistant Registrar(CS-

To

1. The Superintendent of Police  
Thoothukudi District  
Thoothukudi

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

2. The Deputy Superintendent of Police  
Srivaikundam, Thoothukudi District.



3. The Inspector of Police  
Sawyarpuram Police Station  
Eral Circle  
Thoothukudi District

4. The Inspector of Police  
CBCID Wing  
Thoothukudi District  
Thoothukudi

5. The Deputy Superintendent of Police  
CBCID Wing  
South Zone Region  
Madurai.

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

+1CC to Mr.B.Jeyakumar, Advocate, SR.No.75757

Cr1.O.P.(MD)No.14412 of 2018  
14.08.2018

AAV  
ES/KAK/SAR 3/31.08.2018/4P/8C