



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Cr1.O.P.(MD).No. 20736 of 2018
and
Cr1.M.P.(MD)No.9582 of 2018

M.Thangammal .. Petitioner

Vs.

State by

1.The Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
Mallanginaru Police Station,
Virudhunagar District.

3.The Deputy Superintendent of Police,
Virudhunagar Division,
Virudhunagar District.

4.Muthumanimaran .. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the first respondent to change the Investigation in Crime No.249 of 2018 pending on the file of the second respondent to the third respondent.

For Petitioner :Mr.Shankar Ganesh

for Mr.R.P.Karuppasamy

For R-1 to R-3 :Mr. A.Robinson

Government Advocate (criminal side)

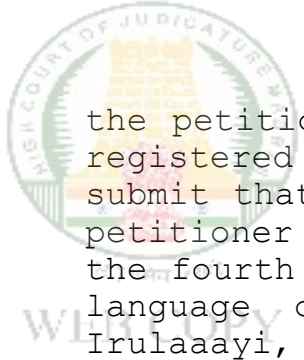
O R D E R

This petition has been filed seeking to direct the first respondent to transfer the Investigation in Crime No.249 of 2018, pending on the file of the second respondent to the file of the third respondent.

2.Heard learned Counsel for the petitioner and learned Government Advocate (criminal side) for the official respondent.

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

3.The learned counsel for the petitioner would submit that



the petitioner is arrayed as accused No.1 in Crime No.249 of 2018, registered by the second respondent on 11.10.2018. He would further submit that as per the allegations in the F.I.R. on 09.10.2018, the petitioner along with his brother-in-law, one Pandikumar attacked the fourth respondent and his mother and abused her using in filthy language owing to separation of Informant's Sister one Muthu Irulaaayi, who is wife of A2/Pandikannan following and both are going to separate due to dispute regarding want of share in the property. He would submit that in the very same incident, the petitioner and his brother in law were also brutally assaulted by the informant in this case, whereas, the second respondent has registered the case only on the complaint preferred by the counter party in Crime No.249 of 2018 whereas strangely though the petitioner was injured and was under treatment in Aruppukottai Hospital, the second respondent has belatedly taken complaint from the petitioner and registered the complaint in Crime No.250 of 2018 for minor offences under Sections, 294(b) and 323 of I.P.C. alone. Though both these cases arise out of the same incident, the police are biased against the petitioner and are in favour of the fourth respondent and the second respondent has not properly investigated the case, hence, the petitioner has sought for change of investigation.

4.The learned Government Advocate (Criminal Side) would submit in Crime No.149 of 2018 the investigation has been completed and the final report has been made ready and the respondents are ready to file the same before the concerned Court.

5.At this juncture, the learned counsel for the petitioner would submit that since both the cases arise out of the same incident a direction may be issued to the second respondent to complete the investigation on the complaint of the petitioner in Crime No.250 of 2018 and a direction also issued to the concerned Magistrate to try both the cases together.

6.In view of the submission made on either side, this Court directs the second respondent to complete the investigation in Crime No.250 of 2018 at the earliest and file the final report and in the event of filing a charge sheet the learned Magistrate shall take both these cases together for trial. In respect of Crime No.250 of 2018, the third respondent/the Deputy Superintendent of Police, Virudhunagar Division, Virudhunagar District, shall also monitor the investigation.

7.With these observations, this Criminal Original Petition stands closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)



To

1.The Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
Mallanginaru Police Station,
Virudhunagar District.

3.The Deputy Superintendent of Police,
Virudhunagar Division,
Virudhunagar District.

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

+1cc to Mr.R.P.Karuppasamy Advocate in SR.No.96538

Crl.O.P. (MD) .No. 20736 of 2018

LS

SPRSK SAR2 12.12.2018 3P 6C