



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.16492 of 2018

Solaiappan

.. Petitioner

-Vs-

1. The Superintendent of Police,
Thoothukudi District, Thoothukudi.
2. The Deputy Superintendent of Police,
Vilathikulam, Thoothukudi District.
3. The State rep. by The Inspector of Police,
Soorankudi Police Station,
Thoothukudi District.
4. The Dean, Government Hospital, Thoothukudi,
Thoothukudi District.
5. The Sub Inspector of Police,
Soorankudi Police Station,
Thoothukudi District.

6.Mr.Senthil Velmurugan

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to pass an order directing the investigation in connection with the case in Cr.M.P.No.4471 of 2018 on the file of Judicial Magistrate, Vilathikulam, Thoothukudi District to be withdrawn from the said 2nd respondent and subsequently to be transferred to any other competent agency or any other investigation officer under the 1st respondent police or any other investigation officer of the some other District forthwith.

For Petitioner : Mr.V.Nirmal Kumar

For Respondents : Mr.K.Suyambu Linga Bharathi for R1 to R5
Government Advocate (Crl. Side)

ORDER

This petition has been filed for a direction to transfer the investigation which is pending on the file of the third respondent.



2.The learned counsel for the petitioner raised the grievance at the time of admission that the petitioner was not allowed to see his son who is undergoing treatment in the Government Hospital, Thoothukudi. Therefore, this Court passed the following order on 12.09.2018.

"There shall be an interim directions to permit the petitioner to see his son Kathiravan who is presently undergoing treatment at Government Hospital, Thoothukudi.

The learned Additional Public Prosecutor is directed to file a status report in this case."

Pursuant to the above order, the petitioner has also met his son in the hospital. The petitioner's son continues to take treatment in the hospital.

3.The third respondent has filed a status report, wherein it is mentioned that 13 witnesses have been enquired and statements have been taken from those witnesses.

4.The main allegation of the petitioner is that his son was beaten inside the police station which resulted in grievous injuries sustained by him. Therefore, the petitioner's son will not get a fair investigation in this case, if it is investigated by the Inspector of Police belonging to the same police station. Till today no FIR has been registered in this case.

5.Taking into consideration the facts and circumstances of the case, the investigation shall stand transferred to the file of the District Superintendent of Police, Vilathikulam. The entire CD file shall be handed over to the second respondent within a period of one week from the date of receipt of a copy of this order. The first respondent namely the Superintendent of Police, Thoothukudi is directed to monitor the investigation to be conducted by the second respondent. The reason for such direction is due to the fact that the complaint has been made against the police officials of Soorankudi Police Station. The second respondent shall take up the investigation and complete the same as expeditiously as possible under the active monitoring of the first respondent.

6.Accordingly, this Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

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

Sub Assistant Registrar(CS-IV)



To

1. The Superintendent of Police,
Thoothukudi District, Thoothukudi.
2. The Deputy Superintendent of Police,
Vilathikulam, Thoothukudi District.
3. The Inspector of Police,
Soorankudi Police Station,
Thoothukudi District.
4. The Dean, Government Hospital, Thoothukudi,
Thoothukudi District.
5. The Sub Inspector of Police,
Soorankudi Police Station,
Thoothukudi District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.V.Nirmal Kumar, Advocate Sr.No.85094

TM

VB/RP/SAR4/26.09.2018/3P/8C

CRL.O.P. (MD) No.16492 of 2018
18.09.2018