

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2019

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THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5655 of 2019

A.Varadarajan

.. Petitioner

Vs.

1.The Commissioner of police,  
Tiruppur City,  
Tiruppur District.

2.The Inspector of Police,  
Anuparpalayam Police Station,  
Tiruppur District.

.. Respondents

**Prayer:** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the 1<sup>st</sup> respondent to withdraw the case in Crime No.107 of 2019 on the file of the 2<sup>nd</sup> respondent and transfer the change to the file of any other Inspector under the 1<sup>st</sup> respondent.

For Petitioner : Mr.S.Kolandasamy

For Respondent : Mr.C.Raghavan  
Government Advocate (Crl.side)

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**ORDER**

This petition has been filed to direct the 1<sup>st</sup> respondent to withdraw the case in Crime No.107 of 2019 on the file of the 2<sup>nd</sup> respondent and transfer the same to any other investigating agency.

2.The learned counsel for the petitioner would submit that the petitioner is a Committee member of Shri Mahakaliyamman Temple situated at Tiruppur. He further submitted that the persons who came to worship Sri Mahakaliyamman at Padmavathipuram, Tiruppur, were attacked by the accused persons. Therefore, the worshippers sustained grievous injuries. Hence, the temple committee members and the villagers have sent a complaint letter to the Commissioner of Police on 22.02.2019. Even then the 2<sup>nd</sup> respondent Police has not registered a case for the offence under Section 307 Cr.P.C., but only registered the offence under Sections 147, 148, 324 and 502(ii) of IPC. Hence, the petitioner has filed the present petition with the aforesaid prayer.

3.Per Contra, the learned Government Advocate for the respondent submitted that the injured persons did not even appear before the respondent and have not produced any medical records to show that they have sustained grievous injuries.

4.Heard both sides and perused the records.

5.Considering the facts and circumstances of the case, this Court is not inclined to direct the respondent to transfer the case. However, the injured

persons are directed to appear before the second respondent and produce all the medical records along with discharge summary and also wound certificate, if any. On receipt of the same, the second respondent is directed to consider the medical records of the injured persons and conduct an enquiry and if any cognizable offence is made out for the offence under Section 307 IPC, the second respondent is directed to consider the same and alter the First Information Report.

6. With the above directions, this Criminal Original Petition is disposed of.

05.03.2019

Internet:Yes

Index:Yes/No

Speaking/Non speaking order  
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Commissioner of police,  
Tiruppur City,  
Tiruppur District.
- 2.The Inspector of Police,  
Inspector of Police,  
Anuparpalayam Police Station,  
Tiruppur District.
- 3.The Public Prosecutor,  
High Court, Madras.



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