

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.03.2019
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.5937 of 2019

J.Ajmalkhan

...Petitioner

Vs.

1.State Rep. by
Sub Inspector of Police
Triplicane Police Station
Triplicane, Chennai 600 002

2.I.Shadiq Basha

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the case and counter case in Crime No.122 of 2019 and Crime No.123 of 2019 on the file of the respondent police be investigated by the same officer as per the mandatory guidelines enunciated in PSO 566.

For Petitioner : Mr.C.S.Dhanasekaran

For Respondents: Mr.C.Raghavan
Govt. Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner under Section 482 Cr.P.C., to direct the case and counter case in Crime No.122 of 2019 and Crime No.123 of 2019 on the file of the respondent police be investigated by the same officer as per the mandatory guidelines enunciated in order 566 (2) (3) of Tamil Nadu Police Standing Orders (hereinafter referred to as PSO 566).

2.The learned counsel for the petitioner would submit that the complaint of the petitioner has been registered in Crime No.122 of 2019 on 17.02.2019 by the 1st respondent police for the offences u/s.147, 341, 294(b), 323 and 506(ii) IPC against the 2nd respondent and 6 others. On the complaint of the 2nd respondent herein a case has also been registered in Crime No.123 of 2019 on 17.02.2019 by the 1st respondent police for the offences u/s.147, 341, 294(b), 323 and 506(ii) IPC against the petitioner and others.

3.The learned counsel for the petitioner would further submit that at present two different officers took up the investigation in the case and counter case which is contrary to the mandatory provisions of PSO 566. It is just and necessary to have both cases to be investigated by the same officer to avoid the conflicting conclusions after the completion of investigation in case and counter case. If the investigation in Crime No.123 of 2019 on the file of the respondent police is allowed to continue in these circumstances, the petitioner will be greatly prejudiced. Accordingly prays for appropriate relief.

4.Considering the facts and circumstances of the case, the 1st respondent is hereby directed to enquire the complaint registered in Crime No.122 of 2019 and Crime No.123 of 2019 following PSO the Police Standing Orders 566 and complete the same and file a final report within a period of three months from the date of receipt of a copy of this order. It is also made clear that both the cases are to be investigated by the same police officer.

5.With the above direction, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Sub Inspector of Police
Triplicane Police Station
Triplicane, Chennai 600 002

2.The Public Prosecutor
High Court of Madras

+1cc to Mr.C.S.Dhanasekaran, Advocate sr.20706

Cr1.O.P.No.5937 of 2019

nr 05/04/2019