

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.29795 of 2018

R.Karthick

... Petitioner

-Vs-

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai.

2. The Deputy Commissioner of Police,
Pulianthope District,
Chennai.

3. The Inspector of Police
P-4, Basin Bridge Police Station,
Chennai.
(Cr.No.461 of 2018)

.... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to pass an order transferring the investigation in Cr.No.461 of 2018 on the file of the third respondent to any other competent agency.

For Petitioner : Mr.R.Ganesh Kumar

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed seeking for transfer of investigation in Cr.No.461 of 2018, pending on the file of the 3rd respondent.

2. The petitioner's brother Niresh Kumar was brutally attacked on 06.11.2018 and he sustained grievous head injuries and was rushed to the Government Stanley Hospital. The information was received by the respondent police on the same day. However, the FIR came to be registered two days later on 08.11.2018, for an offence under Sections 341, 294(b), 324 and 506(ii) of IPC.

3. The learned counsel for the petitioner would submit that there are totally eight accused persons who are involved in the crime. However, only the name of five accused persons has been shown in the FIR. The further grievance of the learned counsel for the petitioner is that the allegations made in the complaint and the injuries sustained by the petitioner's brother clearly constitutes an offence under Section 307 of IPC. The learned counsel submitted that the 3rd respondent is not effectively conducting the investigation and therefore, the present petition has been filed seeking for transfer of investigation.

4. The learned Additional Public Prosecutor would submit that the 3rd respondent, in the course of investigation has altered the FIR by adding the offence under Section 307 of IPC. The learned counsel also submitted that if in the course of investigation, some more persons are also identified to have committed the crime, they will also be added as accused at the time of filing of the final report. The learned counsel submitted that the investigation is carried on in a proper manner.

5. This Court has carefully considered the submissions made by the counsel appearing on either side and also the materials placed on record.

6. This Court does not want to transfer the investigation at this stage. However, going by the allegations made in the complaint, this Court is inclined to direct the Deputy Commissioner of Police, Pulianthope, to monitor the investigation conducted by the 3rd respondent. This will ensure that the investigation is proceeded within a proper manner in accordance with law and all the guilty person are brought to book.

7. This Criminal Original Petition is disposed of with a direction to the 2nd respondent viz., the Deputy Commissioner of Police, Pulianthope, to monitor the investigation conducted by the 3rd respondent who shall continue the investigation effectively and shall add the necessary accused persons based on the materials collected in the course of investigation and file a final report by adding all the relevant offences as expeditiously as possible.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kal/ssr

To

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai.
2. The Deputy Commissioner of Police,
Pulianthope District,
Chennai.
3. The Inspector of Police
P-4, Basin Bridge Police Station,
Chennai.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Ganeshkumar, Advocate Sr.97

Crl.O.P.No.29795 of 2018

rsv[col]
srg 30/01/2019



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