



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.03.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P (MD) .No.4669 of 2018

B. Saminathan .. Petitioner/Defacto complaint

Vs.

1.The Superintendant of Police,
Karur District.

2.The Deputy Superintendant of Police,
Aravakurichi DSP Office, Karur District.

3.The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.

: Respondents

Prayer: This Criminal Original Petition is filed under Section 482 Cr.P.C., to transfer the investigation of Crime No.11 of 2018 from the third respondent to an upright officer.

For Petitioner : Mr. P. Sesubalan Raja

For Respondents : Mr.A.P.G. Ohm Chairma Prabh
Government Advocate (Crl. Side)

O R D E R

The present petition is filed for transfer of investigation of case in Crime No.11 of 2018, pending on the file of the third respondent.

2. The learned Government Advocate (Crl. Side) appearing for the respondents, on instructions, submitted that the investigation is completed and the case is going to be referred as "Mistake of Fact".

3. The learned counsel appearing for the petitioner would submit that the petitioner's statement was obtained, while he was taking treatment in the hospital, and that deliberately certain references to Caste based abuses or expletives used by the accused were omitted, and hence, on the next day he had preferred a complaint to the Superintendant of Police. Since no action has been taken on the said complaint, he wants the investigation of the case to be transferred.



4. This Court perused the CD file and on the basis of the statement now available in the CD file, the complaint statement cannot be stated make any reference to any offence under SC,ST Prevention of Atrocities Act is made out. However, the petitioner has his remedy to approach the concerned Special Court with a complaint, and when the same is filed, the concerned Court may act on it as per law.

5. This Criminal Original Petition is disposed of accordingly.

sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendant of Police,
Karur District.
- 2.The Deputy Superintendant of Police,
Aravakurichi DSP Office, Karur District.
- 3.The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.P.SESUBALAN RAJA, Advocate (SR-55628[F] dated 21/03/2019)

trp
AE/11.04.2019/2P/6C

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