



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.07.2019
CORAM
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P. (MD) .No.9339 of 2019

WEB COPY

Thangakumar : Petitioner

Vs.

1.The Superintendent of Police,
Virudhunagar,
Virudhunagar District.

2.The Inspector of Police,
Seithur Rural Police Station,
Virudhunagar District.
(Crime No.55 of 2019).

3.The Inspector of Police,
C.B.C.I.D. Wing,
Virudhunagar District.

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to transfer the investigation in Crime No.55 of 2019 from the file of the second respondent to the file of the third respondent.

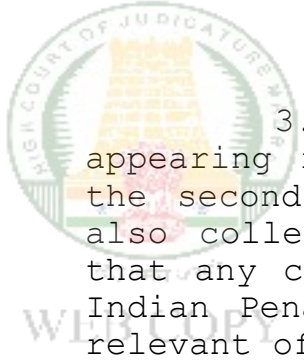
For Petitioner : Mr.R.Niresh Kumar

For Respondents : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.side)

ORDER

This petition has been filed seeking transfer of investigation in Crime No.55 of 2019 from the file of the second respondent to the file of the third respondent.

2. The grievance of the petitioner is that the petitioner has suffered serious head injury, but, the second respondent, without registering the complaint under Section 307 of the Indian Penal Code, simply registered the complaint under Sections 147, 148, 294(b), 323, 324 and 506(ii) of the Indian Penal Code and they are not properly investigating the case. Hence, the present petition has been filed.



3. The learned Government Advocate (Criminal side) appearing for the respondents, on instructions, submitted that now the second respondent police are conducting the investigation and also collected materials and after investigation, if it is found that any case is made out for an offence under Section 307 of the Indian Penal Code, a suitable final report will be filed for the relevant offence.

4. Considering the fact that now the complaint is pending investigation, at this stage, this Court cannot direct the police how to investigate the case and under what offence to be registered. In the above circumstances, the relief sought for by the petitioner cannot be granted. Hence, this Criminal Original Petition is dismissed. However, taking into consideration the fact that the First Information Report is pending from 01.04.2019, the second respondent is directed to complete the investigation and file a final report, within a period of two months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (AD-I)

/ True Copy /

Sub Assistant Registrar (CS-)

SML

To

1. The Superintendent of Police,
Virudhunagar,
Virudhunagar District.

2. The Inspector of Police,
Seithur Rural Police Station,
Virudhunagar District.

3. The Inspector of Police,
C.B.C.I.D. Wing,
Virudhunagar District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL.O.P. (MD) .No.9339 of 2019

Dated: 03.07.2019