



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **10.12.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**
Crl.O.P.[MD] Nos.4214 and 18105 of 2019

and

Crl.M.P[MD]No.10675 of 2019

Crl.O.P.[MD] No.4214 of 2019

Marimuthu

: Petitioner

vs.

1.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
(Crime No.175/2018)

3.The Deputy Superintendent of Police,
CB CID,
No.38, Sankar Colony,
Thiruchendur Road,
Palayamkottai,
Tirunelveli - 627 002.

4.Sasikumar

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the first respondent herein to transfer the investigation of the case in Crime No.175/2018 from the second respondent to the third respondent.

For Petitioner : Mr.S.Sathyachidambaram

For Respondents : Mrs.S.Bharathi

Govt. Advocate (criminal side)
(for R1 to R3)

Crl.O.P.[MD] No.18105 of 2019

Marimuthu

: Petitioner/Sole Accused

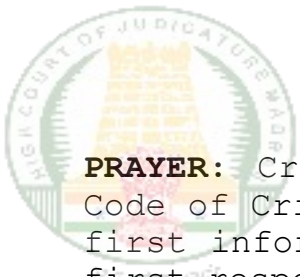
vs.

1.The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
(Crime No.175/2018)

: 1st Respondent/Complainant

2.Sasikumar

: 2nd Respondent/Defacto Complainant



PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the first information report in Crime No.175 of 2018 on the file of the first respondent police and quash the same.

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For Petitioner : Mr.S.Sathyachidambaram
For Respondents : Mrs.S.Bharathi
Govt. Advocate (criminal side)
(for R1)

COMMON ORDER

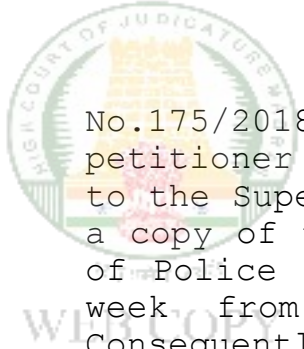
By consent of the counsel for the petitioner, both the petitions are taken up for final hearing.

2.The petition in CrI.O.P(MD)No.4214 of 2019 has been filed seeking a direction to the first respondent herein to transfer the investigation of the case in Crime No.175/2018 from the second respondent to the third respondent. The petition in CrI.O.P(MD) No.18105 of 2019 has been filed to quash the first information report in Crime No.175 of 2018 on the file of the first respondent police.

3.The learned counsel for the petitioner would submit that the petitioner is in fact the victim and he has suffered a grievous injuries and his left leg has been amputated and when he was in hospital, a case has been registered based on the complaint given by the respondent/Sasikumar alleging that the petitioner is the reason for the accident and thereby, the petitioner was arrayed as an accused. He would submit that the petitioner got discharged from the hospital after four months of the accident. He has sent a representation to the District Superintendent of Police about the manner in which the incident occurred, however, the respondent police, without taking into consideration the representation sent by the petitioner, are proceeding with the investigation, as if, the petitioner is the reason for the accident.

4.Per contra, the learned Government Advocate (criminal side) would submit that based on the complaint given by respondent/Sasikumar, a case has been registered in Crime No.175 of 2018 against the petitioner for the offences under Sections 279 and 337 of IPC. She would submit that the respondent police are conducting the investigation in a fair manner and the representation of the petitioner will be taken into consideration before arriving at a conclusion.

5.In view of the same, both the petitions are disposed of with the direction to the Deputy Superintendent of Police, Cheranmahadevi to monitor the investigation done by the second respondent in Crime



No.175/2018 taking into consideration the representations of the petitioner dated 06.08.2018 in person and 28.02.2018 by post sent to the Superintendent of Police. The petitioner shall also handover a copy of the representation in person to the Deputy Superintendent of Police either through himself or through his counsel within one week from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Skn

To

- 1.The Superintendent of Police,
Tirunelveli District.
- 2.The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
- 3.The Deputy Superintendent of Police,
CB CID,
No.38, Sankar Colony,
Thiruchendur Road,
Palayamkottai,
Tirunelveli - 627 002.
- 4.The Deputy Superintendent of Police,
Cheranmahadevi,
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

+2 CC to Mr.S.SATHYA CHIDAMBARAM, Advocate (SR-104409,104410 [F]
dated 11/12/2019)

Cr1.O.P.[MD] Nos.4214 and 18105 of 2019

and

Cr1.M.P[MD]No.10675 of 2019

10.12.2019