



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

Crl.O.P. (MD)No.11678 of 2019

R.Muthukumarasamy

... Petitioner/Injured Person

Vs.

State represented by,

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

2.The Deputy Superintendent of Police,
Melur Police Station (Circle),
Madurai District.

3.The Inspector of Police,
Melavalavu Police Station,
Madurai District.

(Crime No.148 of 2019)

...Respondents/ Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the first respondent to change the investigation in Crime No.148 of 2019 on the file of the third respondent to any other competent officer.

For Petitioner : Mr.M.Jegadeeshpandian
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This petition has been filed seeking to issue a direction to the first respondent to change the investigation in Crime No.148 of 2019 on the file of the third respondent to any other competent officer.

2. According to the petitioner there was a wordy quarrel between two groups in a Grama Saba meeting at Periyamantahi,



Kidaripatti, Melur Taluk, Madurai District, in which the petitioner and one Bharathan were injured. Based on the complaint given by the said Bharathan, a case in Crime No.148 of 2019 has been registered for the offence punishable under Sections 147, 148, 294(b), 342, 324 and 506(2) IPC. Even though the petitioner and the said Bharathan were seriously injured and attacked with knife, the third respondent has only registered the case for the offence under Section 324 IPC instead of 326 and 307 IPC. That apart, the third respondent has also registered a false complaint against the petitioner in Crime No.149 of 2019. In the above circumstances, apprehending that no fair investigation will be conducted by the third respondent, the petitioner has filed the present petition for transfer of investigation.

3. Today, when the matter was taken up for hearing, the learned Government Advocate (Crl.Side), appearing for the respondents, on instructions, would submit that it is a case and case in counter. Due to some wordy quarrel in a meeting between two groups, one Bharathan has given a complaint stating that he has suffered serious injuries. Based on the same, a case in Crime No.148 of 2019 has been registered. Subsequently, a counter case has also been registered against the petitioner in Crime No.149 of 2019. Investigation on both the complaints is being conducted. During investigation, statement of the petitioner has also been obtained. Now the investigation in both cases is going on and the respondent will file final report within a short time.

4.Considering the fact that investigation in both cases is in progress, the prayer sought for by the petitioner cannot be granted. That apart, this Court cannot issue any direction to the respondent police to conduct the investigation in a particular manner. However, an apprehension has been expressed as against the third respondent, the second respondent / Deputy Superintendent of Police is directed to monitor the investigation. The third respondent is directed to proceed with the investigation and complete the same, within a period of one month from the date of receipt of a copy of this order.

5. With this direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)



To

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

2.The Deputy Superintendent of Police,
Melur Police Station (Circle),
Madurai District.

3.The Inspector of Police,
Melavalavu Police Station,
Madurai District.

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

+1 CC to M/s.M. JEGADEESH PANDIAN, Advocate (SR-83677[F] dated
27/08/2019)
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Crl.O.P. (MD)No.11678 of 2019
22.08.2019

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