



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2019

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD) No.13750 of 2019

Kannan

... Petitioner/Defacto Complainant

Vs.

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

2. The Deputy Superintendent of Police,
Dindigul District (Rural),
Dindigul.

... Respondents 1 & 2

3. State rep by its
The Inspector of Police,
Thadikombu Police Station,
Dindigul.

(Crime No.11 of 2019)

... 3rd Respondent/complainant

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to direct the first respondent to transfer the investigation in Crime No.11 of 2019 on the file of the third respondent police to the second respondent or to some other independent investigation agency under the first respondent and filed final report within time framed as fixed by this Court.

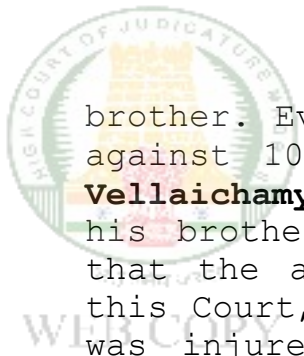
For Petitioner : Mr.S.Sukumar

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

O R D E R

This petition has been filed to direct the first respondent to transfer the investigation in Crime No.11 of 2019 on the file of the third respondent police to the second respondent or to some other independent investigation agency under the first respondent and file final report.

2. The learned counsel for the petitioner would submit that the petitioner and his family members were attacked by the accused persons and they got grievous injuries. The petitioner lodged a specific complaint as against 13 persons including the Inspector of Police, Madukarai Police Station, Coimbatore District and his



brother. Even then, the third respondent registered a case only as against 10 persons. He further submitted that **(*)Mr.Thooyamalai Vellaichamy**, the Inspector of Police, Madukarai Police Station and his brother name were not mentioned in FIR. He further submitted that the accused persons while obtaining anticipatory bail before this Court, the third respondent police stated that only one person was injured and he was also discharged from the hospital. But, originally, there are seven persons got injuries. Therefore, the third respondent police could not conduct fair investigation. Insofar as on the complaint lodged by the petitioner, the case has been registered in Crime No.11 of 2019 for the offence under Sections 147, 148, 294 (b), 323, 506 (2) 307 of IPC and Section 3 (1) of TNPPDL Act. There was a counter complaint lodged by the accused persons in Crime No.12/2019 for the offence under Sections 147, 148, 294 (b), 324 and 506 (ii) IPC and the investigation is under process. He further submitted that three accused were also arrested and seven accused got anticipatory bail before this Court and the investigation is still pending in Crime No.11 of 2019.

3.Heard Mr.S.Sukumar, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl.Side) appearing for the respondents.

4.On the date of occurrence i.e., on 15.01.2019, due to previous enmity, the dispute was arisen between the accused persons and the petitioner & his family members and they attacked themselves. As such two cases were registered in Crime No.11/2019 and Crime No.12/2019. On the complaint lodged by the petitioner, the case has been registered in Crime No.11/2019 for the offence under Sections 147, 148, 294 (b), 323, 506 (2) 307 of IPC and Section 3 (1) of TNPPDL Act. It is also seen that in the complaint, it is specially alleged that **(*)Mr.Thooyamalai Vellaichamy**, the Inspector of Police, Madukarai Police Station, Coimbatore District and his brother are the main accused. Only on their instigation and instructions, the present accused have attacked the petitioner and his family members.

5. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that the second respondent can be directed to investigate further in Crime No.11/2019.

6. Considering the above facts and circumstances and also the submission made by the learned Government Advocate (Crl.Side), the investigation in Crime No.11/2019 is hereby withdrawn on the file of the third respondent and the same is transferred to the file of the second respondent for further investigation. The second respondent is directed to complete the investigation and file a final report within a period of three months from the date of a receipt of a copy of this order.



7. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(AD-II)

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

dss

To

(*) to be substituted the order already despatched on 24.10.2019

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Deputy Superintendent of Police,
Dindigul District (Rural),
Dindigul.
3. The Inspector of Police,
Thadikombu Police Station,
Dindigul.
4. The Additional Public Prosecutor,
High Court, Madras.

+1CC TO MR.S.SUKUMAR, Advocate Sr. No. 91070

Cr1.O.P. (MD) No. 13750 of 2019
30/09/2019

SMV (CO)

TR(22.10.2019) 3P 6C

MR(20.11.2019) 3P 6C