



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2019

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.5467 of 2018

Devagnana Arul Kadachamani

... Petitioner

Vs.

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

2.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District,
(In Crime No.31 of 2018)

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to direct the first respondent to transfer the investigation to any other competent authority regard to the Crime No.31 of 2018, pending on the file of the second respondent.

For Petitioner : Mr.S.Ayyanar Premkumar

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 to any other competent authority regard to the Crime No.31 of 2018, pending on the file of the second respondent.

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

3. On the complaint lodged by the petitioner, the second respondent registered a case in Crime No.31 of 2018 for the punishable offence under Sections 147, 148, 323, 324 of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002, as against the petitioner.

4. The learned counsel for the petitioner would submit that the offence under Section 307 IPC is committed and also the main



accused persons' names were left out in the FIR.

5. The learned Government Advocate (Crl.Side) would submit that in this regard they have examined so many witnesses corroborating the statements of the complainant. Therefore, change of investigation will affect the investigation done by the respondent police.

6. Hence, at this stage the prayer sought for by the petitioner for transfer of investigation cannot be considered.

7. Considering the facts and circumstance of the case the second respondent police is directed to file the final report within a period of four weeks. However, the petitioner is always at liberty to invoke provisions under Section 319 of Cr.P.C during trial if any incriminating materials found against the accused persons.

8. At this circumstance, the change of investigation would affect the entire investigation. Therefore, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

dss

To

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

2.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District,

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

+1 CC to M/s.S.AYYANAR PREMKUMAR, Advocate (SR-92879[F] dated 18/10/2019)

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JMN(04.11.2019) 2P : 5C