

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.9616 of 2020

Masiyamoorthy

... Petitioner

Vs.

1.The Superintendent of Police,
CBCID,
Guindy,
Chennai.

2. The District Superintendent of Police,
Dharmapuri District,
Dharmapuri.

3.The Inspector of Police,
Thoopur Police Station,
Dharmapuri District.

Cr.No.337 of 2020

... Respondents/complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to withdraw the case in Cr.No.337 of 2020 on the file of the third respondent herein and transfer the same to the file of the first respondent herein and the first respondent should appoint an efficient, honest officer in the rank of Inspector of Police to conduct further investigation and lay final report in accordance with law.

For Petitioner : Mr.Sunil kumar

for Mr.T.Muruganantham

For Respondents: Mr.S.Karthikeyan

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to withdraw the case in Cr.No.337 of 2020 on the file of the third respondent herein and transfer the same to the file of the first respondent herein and the first respondent should appoint an efficient, honest officer in the rank of Inspector of Police to conduct further investigation and lay final report in accordance with law.

2. It is seen that a crime was registered on 07.05.2020 as against one accused Thirumal for the offence under Section 307 of IPC. Now, the petitioner suspected one more accused and on his instigation, the other accused stabbed the petitioner's father. Even then the third respondent did not implead the other person as accused.

3. The learned Additional Public Prosecutor appearing for the respondents has submitted that the crime was registered only for the offence against one Thirumal who stabbed the victim. The third respondent is also about to complete the investigation. He further submitted that the crime was registered only on 07.05.2019 and investigation is under progress. Under these circumstances, the transfer of investigation from the file of respondent to some other agency would affect the entire proceedings and at this circumstances, the change of investigation would not serve any purpose. Hence, he sought for dismissal of the petition.

4. The petitioner is the defacto complainant and his father was stabbed by one Thirumal and Cr.No.337 of 2020 has been registered as against Thirumal. According to the petitioner, one more accused is there and only on his instigation, the said Thirumal stabbed the petitioner's father. If at all any material is available to attract the offence as against the other accused person, the petitioner is directed to produce all the material evidence before the third respondent. On receipt of any material which attracted as against the accused person, the third respondent shall complete the investigation and file a final report within a period of three months from the date of receipt of a copy of this order.

5. The third respondent shall accordingly complete the investigation and file a final report within three months from the date of receipt of a copy of this order. The second respondent is directed to monitor the investigation done by the third respondent and also ensure that the third respondent shall comply the order passed by this court.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CSADI MDU)

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Sub Assistant Registrar

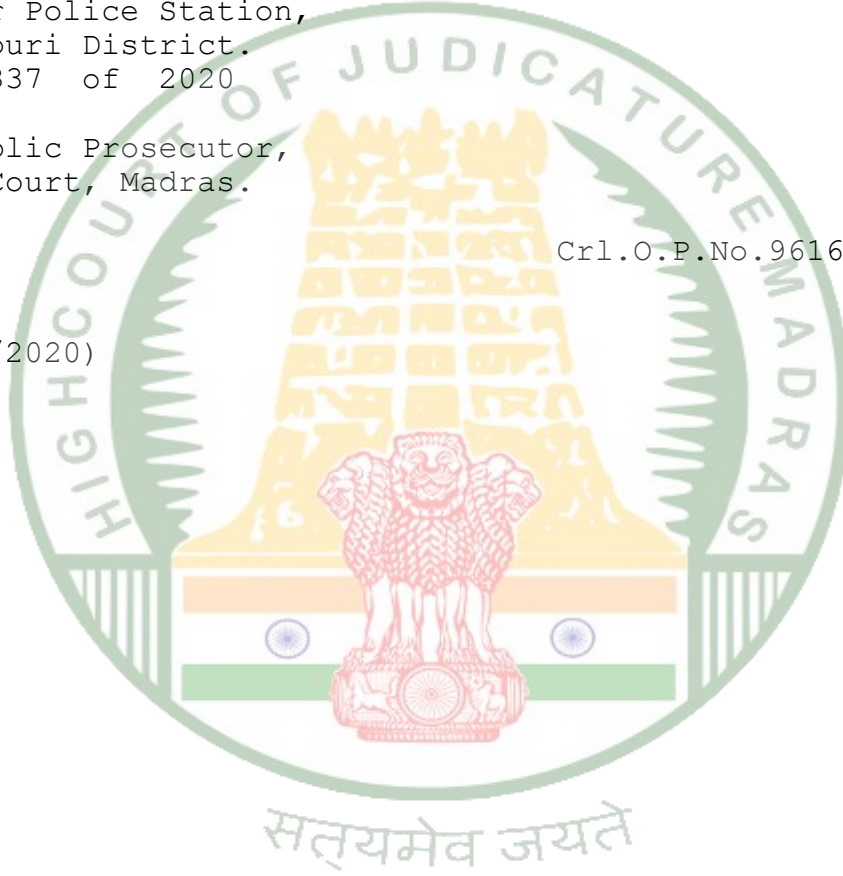
gv

To

- 1.The Superintendent of Police,
CBCID,
Guindy,
Chennai.
2. The District Superintendent of Police,
Dharmapuri District,
Dharmapuri.
- 3.The Inspector of Police,
Thoopur Police Station,
Dharmapuri District.
Cr.No.337 of 2020
4. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.9616 of 2020

VSN II (CO)
GMY (29/09/2020)



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