

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 27.08.2020
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No. 13124 of 2020

Sasikumar
S/o.Thangavel,
D.No.4/82, Arunthathiyar Street,
Varampatty,
Vasanthapuram Post,
Namakkal District.

... Petitioner

Vs.

- 1.The Superintendent of Police,
Namakkal District.
- 2.The Deputy Superintendent of Police,
Namakkal Sub Division,
Namakkal District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to direct the 1st respondent to change the investigation of Crime No.662 of 2020 on the file of the Namakkal Police Station, Namakkal District from the 2nd respondent to any other competent officer.

For Petitioner : Mr.V.A.Dhana Aravindh Balaji
For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor.

O R D E R

This petition has been filed for change of investigation in Crime No.662 of 2020 from the file of the second respondent to any other competent officer of different investigation agency.

2.The learned counsel for the petitioner would submit that the Crime was registered on 10.05.2020 as against the two named accused and one unknown accused for the offence under section 294(b), 341, 323, 355 & 506(ii) IPC 3(1)(s) & 3(2)(va) The SC/ST (Prevention of Atrocities) Amendment Act 2015. After registration of FIR, the second respondent did not secure any of the accused person and simply kept the FIR in cold storage without taking any action as against the accused persons. In fact, the second respondent did not even enquire the petitioner and did not seize any of the vehicle which were involved in this Crime.

3. Per contra, the learned Additional Public Prosecutor submitted that on the complaint lodged by the petitioner, the second respondent registered the case in Crime No.662 of 2020 as against the two known accused and one unknown accused. Asfar as A1 and A2 are concerned, they approached this Court for direction under the SC/ST Act in Crl.O.P.No.7836 of 2020 and this Court directed the petitioners to surrender before the Court concerned and their bail petition may be considered on the same day after issuance of the notice to the defacto complainant. Event then the accused 1 and 2 did not surrender before the Court concerned as directed by this Court and they filed petition for extension of time to surrender before the Court concerned in Crl.M.P.No.4676 of 2020 and this Court by an order dated 04.08.2020 the petitioners are directed to surrender before the Court concerned after lifting of lock down. Therefore, the second respondent could not able to secure A1 and A2 and they are continue with the investigation.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

5. In view of the above facts and circumstances, the change of investigation would not serve any purpose, as directed by this Court. A1 and A2 are yet to surrender before the Court concerned and as such the second respondent could not able to secure the accused 1 and 2 herein. However, the second respondent is directed to proceed with the investigation and complete the same within a period of 16 weeks from the date of receipt of a copy of this order. The first respondent is directed to monitor the investigation done by the second respondent.

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

-s/d-

सत्यमेव जयते Assistant Registrar

True Copy

Sub-Assistant Registrar

mpa

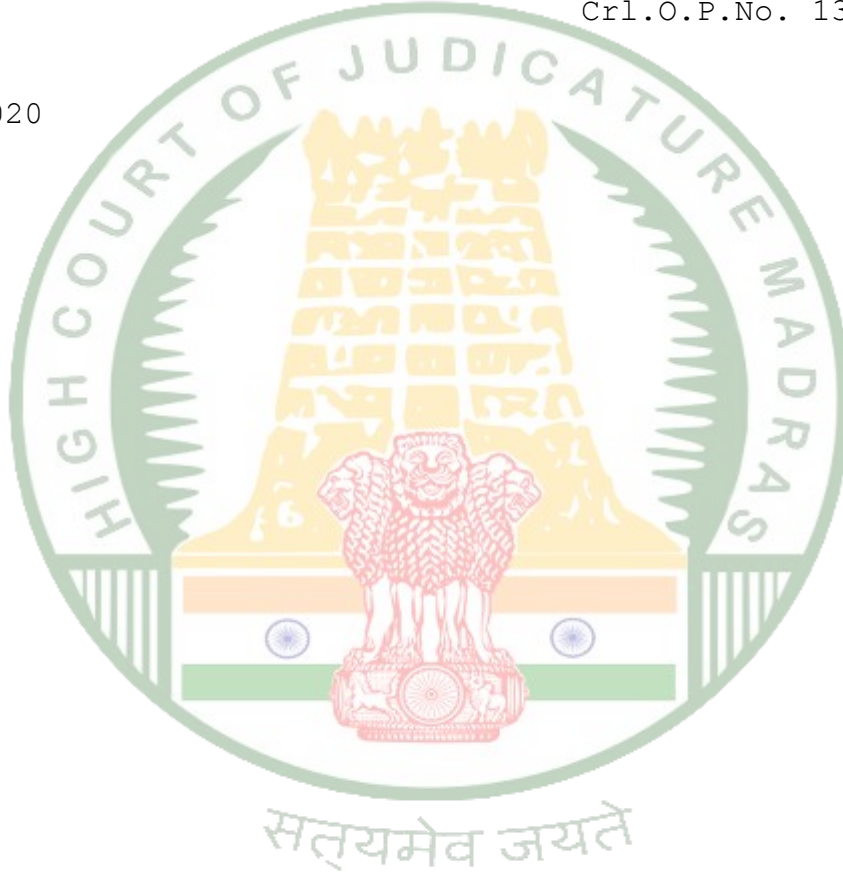
WEB COPY

To

- 1.The Superintendent of Police,
Namakkal District.
- 2.The Deputy Superintendent of Police,
Namakkal Sub Division,
Namakkal District.
3. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No. 13124 of 2020

aa20/10/2020



WEB COPY