

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 13968 of 2020

K.James,
S/o. Kanniyar,
No.49-C, Visvanathapuram 1st Street,
Lakshmipuram, Ganapathy,
Coimbatore-641 006 ... Petitioner

Vs.

State Represented by
1.The Commissioner of Police,
Coimbatore City,
Coimbatore District.

2.The Inspector of Police,
Singanallur Police Station,
Coimbatore City,
Coimbatore District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the transfer the investigation in Crime No.1540 of 2020 16.07.2020, pending on the file of the second respondent to some other agency.

For Petitioner : Mr.K.Balasubramaniam

For Respondents: Mr.S.Karthikeyan
Additional Public Prosecutor.

O R D E R

This petition has been filed for a direct the transfer the investigation in Crime No.1540 of 2020 16.07.2020, pending on the file of the second respondent to some other agency.

2.The learned counsel appearing for the petitioner would submit that there is money dispute between the petitioner and the accused persons. When the petitioner demanded the accused to return back his money which was borrowed by the accused persons. The accused along with his father-in-law attacked the petitioner

with deadly weapon and also damaged the car and the petitioner sustained grievous injuries on his head. Thereafter, he has taken to the hospital and he was treated as in patient from 16.07.2020 to 20.07.2020. On intimation from the Hospital Authority the second respondent has registered a case in Crime No.1540 of 2020 for the offence under Sections 75(1)(c) of the TN City Police Act, Sections 324, 506(ii) of IPC and Section 3(1) of the Prevention of Damage to Public Property Act. Though the offence under Section 307 of IPC has been made out the respondent registered a case in different provision of law in order to secure the accused. There is no progress in the said crime. Therefore, he sought for transfer of investigation.

3.The learned Additional Public Prosecutor appearing the respondents would submit that there are two accused in Crime No.1540 of 2020 registered for the offence under sections 75(1)(c) of the TN City Police Act, Sections 324, 506(ii) of IPC and Section 3(1) of the Prevention of Damage to Public Property Act. There are two accused in which the first accused is more than 76 years and the second accused is the son of first accused herein. Since the second accused is concerned is absconding, the second respondent is not able to secure the second accused. So far as the first accused is concerned, he is more than 76 years old and also he is in old age ailments. Therefore, the second respondent could not able to arrest the first accused.

4.Heard Mr.K.Balasubramaniam learned counsel appearing for the petitioner and Mr.Mr.S.Karthikeyanboth learned Additional Public Prosecutor appearing for the respondents.

5.It is seen that the victim's photographs has been produced by the learned counsel for the petitioner. The petitioner sustained injury on the middle of the head and he also admitted in hospital and he undergone treatment by putting stitches. Though he is discharged from the hospital. The injury sustained by the victim he is taking medicine for the head injury is grievous in nature in which, the accused persons attacked the petitioner clearly shows that the offence under Sections 307 of IPC is made out, even then the second respondent failed to register the FIR under Section 307 of IPC.

6.Considering the above facts and circumstances, the second respondent is directed to alter the offence accordingly under Section 307 IPC and proceed with the investigation. Though this Court is not inclined to transfer the investigation from the second respondent to any other agency, the second respondent is also directed to complete the investigation and file a final report within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

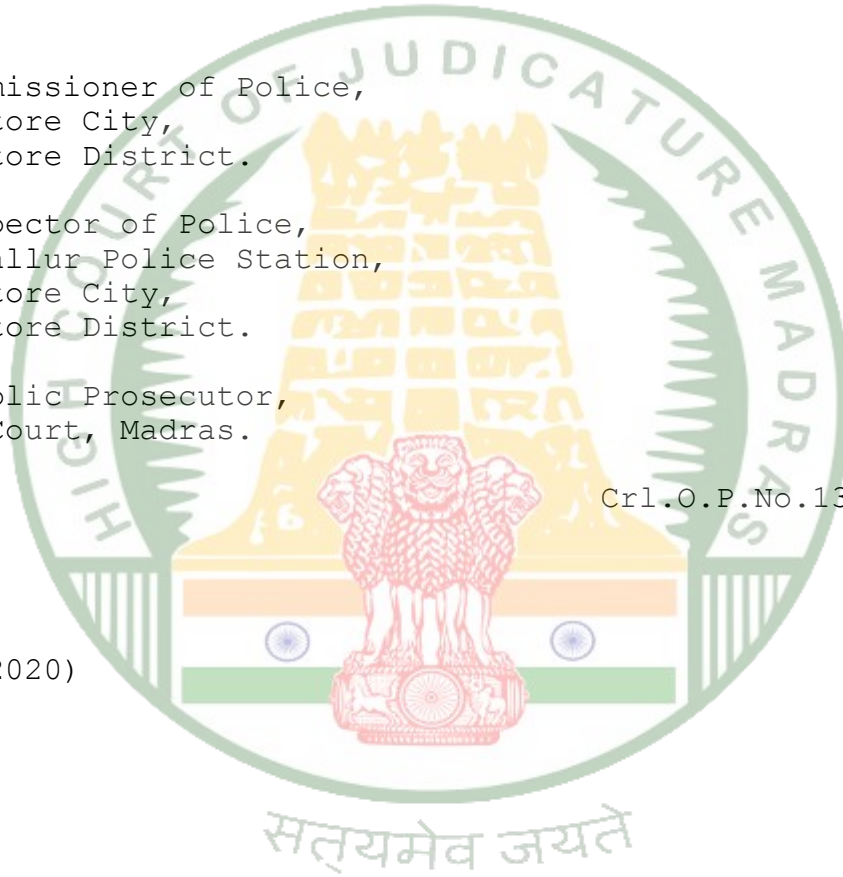
Vsn

To

- 1.The Commissioner of Police,
Coimbatore City,
Coimbatore District.
- 2.The Inspector of Police,
Singanallur Police Station,
Coimbatore City,
Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.13968 of 2020

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