



WEB COPY

Crl.O.P(MD)No.3723 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.[MD] No.3723 of 2020

J.Anthonraj

..Petitioner/Defacto Complainant

vs.

1.The State of Tamil Nadu,
Rep. by The Superintendent of Police,
Trichy District.

2.The Deputy Superintendent of Police,
Manaparai, Trichy District.

3.The Inspector of Police,
Manaparai Police Station,
Trichy District.

..Respondents/Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the first respondent to transfer the investigation of the case in Crime No.440 of 2019, on the file of the third respondent to some other agency which is competent to investigate the matter.

For Petitioner : Mr.A.Manikandan

For Respondents : Mrs.S.Bharathi

Government Advocate (Crl. Side)

ORDER

This petition has been filed seeking for a direction to the first respondent to transfer the investigation of the case in Crime No.440 of 2019, on the file of the third respondent to some other agency which is competent to investigate the matter.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the de-facto complainant. On 25.05.2019, the accused persons attacked him with iron rod and caused damage to the drainage and compound wall of the house of the de-facto complainant. Since the petitioner sustained injuries, he was admitted to the Government Hospital, Manaparai



till 29.05.2019. After discharging from the hospital, the petitioner gave a complaint to the first respondent as well as the Chief Minister Special Cell through registered post. Since no action was taken, the petitioner was constrained to file Crl.M.P.No.2896 of 2019, before the learned Judicial Magistrate, Manaparai, for the offences under Section 200 of Cr.P.C and the same was forwarded to the third respondent for registering a case against the accused persons and thereafter, a case in Crime No.440 of 2019 was registered, for the offences under Sections 342, 427, 294(b) and 506(ii) of IPC. After registration of the case, the respondents police have not bothered to enquire the petitioner and they have also not bothered to arrest the accused. He would further submit that the third respondent is hand in glove with the accused persons and not taking any further action and thereby, the petitioner seeks to transfer the case.

4.The learned Government Advocate (Crl. Side) appearing for the respondents would submit that though seems to be some lapse on the part of the respondents for conducting investigation, it cannot be a ground for transfer. She would further submit that the second respondent/Deputy Superintendent of Police may be directed to monitor the investigation and also a direction may be issued to the respondents to complete the investigation and file final report, within a stipulated time that may be fixed by this Court.

5.At this juncture, the learned counsel for the petitioner would submit that, it would be suffice that such a direction may be issued to the respondents.

6.In view of the same, a direction is issued to the third respondent to complete the enquiry in Crime No.440 of 2019 and file final report as expeditiously as possible, preferably, within in a period of three months, from the date of receipt of a copy of this order. The second respondent/Deputy Superintendent of Police is directed to monitor the investigation done by the third respondent.

7.With the above observations, the Criminal Original Petition stands closed.

Sd/-

Assistant Registrar (C.S.II)

/True Copy/

Sub Assistant Registrar



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- To
- 1.The Superintendent of Police,
Trichy District.
 - 2.The Deputy Superintendent of Police,
Manaparai, Trichy District.
 - 3.The Inspector of Police,
Manaparai Police Station,
Trichy District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.A.Manikandan, Advocate Sr.No.9267

AKM/07.05.2020 /3P-6C/

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