



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2020

CORAM

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

Cr1.O.P(MD)No.6751 of 2020

WEB COPY

Durai Saravanan Thevar

...Petitioner

Vs

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

2.The Deputy Superintendent of Police,
Srivaikundam,
Tuticorin District.

3.The Inspector of Police,
Srivaikundam Police Station,
Tuticorin District.
[Crime No.263 of 2020]

4.The Inspector of Police,
CBCID,
Tuticorin District,
Tuticorin.

5.Petchi Raj

...Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to direct the first respondent to transfer the investigation in respect of the FIR in Crime No.263 of 2020 from the third respondent Police to the investigation of the fourth respondent.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondent : Mr.K.K.Ramakrishnan,

Nos.1 to 4 Additional Public Prosecutor

ORDER

This petition is filed for a direction to the first respondent to transfer the investigation of the case in Crime No.263 of 2020 from the third respondent Police to the fourth respondent CBCID.

2.The grievance of the petitioner is that the fifth respondent an accused in Crime No.263 of 2020 is not yet arrested by the third respondent Police. In view of the inaction on the part of the third respondent Police, the petitioner has approached this



Court for transferring the investigation of the case in Crime No.263 of 2020 from third respondent Police to CBCID, Tuticorin District/ fourth respondent herein.

3.The learned Counsel for the petitioner submitted that the petitioner is the defacto complainant in Crime No.263 of 2020 and he lodged a complaint as against the fifth respondent that the fifth respondent released a Tik-Tok video in social media by consuming alcohol in a remote area along with his associates and abused the people of one particular community by using filthy language. This criminal act of the fifth respondent is absolutely against the public tranquillity. Based on the complaint, the third respondent Police registered a case in Crime No.263 of 2020 as against the fifth respondent and four unnamed persons for the offence punishable under Sections 143, 294(b), 153 (A) and 506(ii) IPC.

4.Heard Mr.M.S.Jeyakarthik, learned Counsel for the petitioner and Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor for the State.

5.The complaint is with regard to a Tik-Tok video released in the social media. A perusal of the records shows that the complaint in this case has been lodged only on 21.05.2020 and on the same day itself, the case in Crime No.263 of 2020 has been registered by the third respondent Police. The entire Police machinery has been deployed towards maintaining law and order on account of the COVID-19 Pandemic. Moreover, the petitioner has not made out any sufficient ground to transfer the investigation from the file of the third respondent to any other investigating agency.

6.In the result, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dsk

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Superintendent of Police,
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2.The Deputy Superintendent of Police,
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Tuticorin District.

3.The Inspector of Police,
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Tuticorin District.
[Crime No.263 of 2020]

4.The Inspector of Police,
CBCID,
Tuticorin District,
Tuticorin.

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

Crl.O.P (MD)No.6751 of 2020
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KB(21.07.2020) 3P 6C